

1.1 Pollution Control Agency
1.2 Adopted Permanent Rules Relating to Subsurface Sewage Treatment
1.3 Systems
1.4 CHAPTER 7083
1.5 SUBSURFACE SEWAGE TREATMENT SYSTEMS
1.6 LICENSING AND CERTIFICATION PROGRAM,
1.7 PRODUCT REGISTRATION PROGRAM, AND
1.8 ADVISORY COMMITTEE
1.9 7083.0010 PURPOSE AND INTENT.
1.10 The proper location, design, installation, use, and
1.11 maintenance of a subsurface sewage treatment system (SSTS)
1.12 protects the public health, safety, and general welfare by the
1.13 discharge of adequately treated sewage to the groundwater. In
1.14 order to reasonably accomplish the proper location, design,
1.15 installation, operation, and maintenance of an SSTS, the
1.16 Pollution Control Agency provides in this chapter criteria for
1.17 certifying trained individuals and licensing SSTS businesses,
1.18 registering SSTS products, and provisions for an advisory
1.19 committee to the agency concerning SSTS issues.
1.20 The authority for this chapter is granted in Minnesota
1.21 Statutes, chapters 103F, 103G, 115, and 116.
1.22 This chapter does not address the licensing of wastewater
1.23 treatment plant operators regulated under chapter 9400 or Type
1.24 IV land application of waste professionals as regulated in
1.25 chapter 7048.
1.26 It is the intent of this chapter to provide standards for
1.27 adequate training, experience, continuing education, insurance,
1.28 and bonding for SSTS businesses and certified individuals.
1.29 These standards also present the foundation for enforceable
2.1 violations along with the agency's enforcement procedures. ~~The~~
2.2 ~~agency's enforcement program may require assistance from local~~
2.3 ~~units of government to file complaints and gather evidence~~
2.4 ~~against those in violation of local SSTS ordinances. It is the~~
2.5 intent of this chapter to register SSTS products for use in
2.6 Minnesota, as technology and products employed in SSTS shall
2.7 adequately protect the public health and the environment as
2.8 determined by this chapter and be approved for use by the local
2.9 unit of government.
2.10 It is the further intent of this chapter to determine the
2.11 duties, structure, and administration of the SSTS Advisory
2.12 Committee as established in Minnesota Statutes, section 115.55.
2.13 7083.0020 DEFINITIONS.
2.14 Subpart 1. **Certain terms.** In addition to the definitions
2.15 in chapters 7080, 7081, and 7082 as published in the State
2.16 Register, volume 31, pages 1025, 1064, and 1079, and as
2.17 subsequently adopted, and Minnesota Statutes, section 115.55,
2.18 which are incorporated by reference, the terms used in this
2.19 chapter have the meanings given them. For purposes of these
2.20 standards, certain terms or words are interpreted as follows:
2.21 the words "shall" and "must" are mandatory and the word "may" is
2.22 permissive. All distances, unless otherwise specified, must be
2.23 measured horizontally.
2.24 Subp. 2. **Agency.** "Agency" means the Pollution Control

2.25 Agency.

2.26 Subp. 3. **Apprentice.** "Apprentice" means an individual who

2.27 meets the requirements in part 7083.1090 by completing training,

3.1 passing the examination, and gaining experience under part

3.2 7083.1050, subpart 2.

3.3 Subp. 4. **As-builts.** "As-builts" means drawings and

3.4 documentation specifying the final in-place location, elevation,

3.5 size, and type of all system components. These records identify

3.6 the results of materials testing and describe conditions during

3.7 construction. Information provided must be verified by a

3.8 certified statement.

3.9 Subp. 5. **ASTM.** "ASTM" means the American Society for

3.10 Testing and Materials.

3.11 Subp. ~~5~~ 6. **Certified.** "Certified" means an individual is

3.12 included on the agency's SSTS certification list and is

3.13 qualified to design, install, maintain, repair, pump, operate,

3.14 or inspect an SSTS as appropriate with the individual's

3.15 qualifications. A certified individual who is working under a

3.16 license is subject to the obligations of the license. Certified

3.17 individuals were previously known as registered professionals.

3.18 Subp. 7. **Disinfection.** "Disinfection" means the process

3.19 of destroying pathogenic microorganisms in sewage.

3.20 Subp. 8. **Drip dispersal system.** "Drip dispersal system"

3.21 means a small diameter pressurized wastewater distribution

3.22 system in which the treated effluent is distributed under

3.23 pressure to the infiltrative surface via drip tubing and enters

3.24 the receiving environment.

3.25 Subp. ~~6~~ 9. **ISTS.** "ISTS" means an individual sewage

3.26 treatment system as defined under part 7080.1100, subpart ~~47~~ 41,

3.27 as published in the State Register, volume 31, page 1027, and as

4.1 subsequently adopted.

4.2 Subp. ~~7~~ 10. **Licensee.** "Licensee" means a person to whom

4.3 a license is issued under this chapter.

4.4 Subp. ~~8~~ 11. **Mentor.** "Mentor" is a person who holds a

4.5 mentor designation as described in part 7083.2000 and provides

4.6 mentorship.

4.7 Subp. ~~9~~ 12. **Mentorship.** "Mentorship" means ~~the provision~~

4.8 ~~of providing direct and personal supervision to an individual~~

4.9 who is seeking to gain qualifying work experience to become a

4.10 certified individual.

4.11 Subp. ~~10~~ 13. **MSTS.** "MSTS" means a mid-sized SSTS as

4.12 defined in part 7081.0020, subpart ~~5~~ 4, as published in the

4.13 State Register, volume 31, page 1065, and as subsequently

4.14 adopted.

4.15 Subp. 14. **O&G.** "O&G" means oil and grease, a component of

4.16 sewage typically originating from foodstuffs such as animal fats

4.17 or vegetable oils or consisting of compounds of alcohol or

4.18 glycerol with fatty acids such as soaps and lotions, typically

4.19 expressed in mg/L.

4.20 Subp. 15. **Proprietary product.** "Proprietary product"

4.21 means a sewage treatment or distribution technology, method, or

4.22 material subject to a patent or trademark.

4.23 Subp. 16. **Public domain technology.** "Public domain

4.24 technology" means a sewage treatment or distribution technology,

4.25 method, or material not subject to a patent or trademark.

4.26 Subp. ~~11~~ 17. **Qualified employee.** "Qualified employee"

4.27 means a state or local government employee who designs,

5.1 installs, maintains, pumps, or inspects SSTS as part of the

5.2 person's employment duties.

5.3 Subp. ~~12~~ 18. **Subsurface sewage treatment system or "SSTS."**

5.4 "Subsurface sewage treatment system" or "SSTS" means an

5.5 individual sewage treatment system as defined in part 7080.1100,

5.6 subpart ~~47~~ 41, as published in the State Register, volume 31,

5.7 page 1027, and as subsequently adopted, or a mid-sized sewage

5.8 treatment system as defined in part 7081.0020, subpart ~~5~~ 4, as

5.9 published in the State Register, volume 31, page 1027, and as

5.10 subsequently adopted, as applicable.

5.11 Subp. ~~13~~ 19. **Subsurface sewage treatment system business**

5.12 **or SSTS business.** "Subsurface sewage treatment system business"

5.13 or "SSTS business" means a business that designs, installs,

5.14 maintains, repairs, pumps, operates, or inspects an SSTS as

5.15 appropriate with the organization's license and qualifications.

5.16 Subp. 20. **TN.** "TN" means total nitrogen, which is the

5.17 measure of the complete nitrogen content in wastewater including

5.18 nitrate (NO₃⁻), nitrite (NO₂⁻), ammonia (NH₃), ammonium

5.19 (NH₄⁺), and organic nitrogen, expressed as mg/L.

5.20 Subp. 21. **Total suspended solids or TSS.** "Total suspended

5.21 solids" or "TSS" means solids that are in suspension in water

5.22 and that are removable by laboratory filtering.

5.23 Subp. 22. **TP.** "TP" means total phosphorus, which is the

5.24 sum of all forms of phosphorus in effluent, expressed as mg/L.

5.25 7083.0040 ADMINISTRATION BY AGENCY.

5.26 Subpart 1. **Agency to administer.** This chapter is

5.27 administered by the agency.

6.1 Subp. 2. **Variance procedures.**

6.2 A. In certain cases, the commissioner may grant a

6.3 variance ~~to SSTS businesses, certified individuals, or~~

6.4 ~~apprentices~~ from the standards in this chapter. This variance

6.5 provision is not intended to provide relief for licensed

6.6 businesses or certified individuals from missed expiration dates

6.7 or enforcement actions.

6.8 B. Before granting a requested variance, the

6.9 commissioner or agency must find that, by reason of exceptional

6.10 circumstances, the strict enforcement or strict conformity with

6.11 this chapter would be unreasonable, impractical, or not feasible

6.12 under the circumstances. The agency may permit a variance under

6.13 part 7000.7000 in harmony with the requirements of part

6.14 7000.7000, the general purpose of this chapter, and the intent

6.15 of applicable state laws. The variance request must contain, as

6.16 applicable:

6.17 (1) the specific provision in the rule or rules

6.18 from which the variance is requested;

6.19 (2) the reasons why the rule is unreasonable,

6.20 impractical, or not feasible under the circumstances and state

6.21 the underlying circumstances;

6.22 (3) a description of the hardship that compliance

6.23 with the rule presents;

6.24 (4) the alternative measures that will be taken

6.25 to ensure a comparable degree of compliance with the intention
6.26 of the chapter;

6.27 (5) the length of time for which the variance is
7.1 requested;

7.2 (6) a statement that the party applying for the
7.3 variance will comply with the terms of the variance, if granted;
7.4 and

7.5 (7) economic considerations.

7.6 C. In addition to the variance information required
7.7 in item B, the commissioner ~~may~~ has the authority to also
7.8 require the requesting party to submit other relevant
7.9 information ~~as necessary to for the specific purpose of~~ properly
7.10 ~~evaluate~~ evaluating the variance request.

7.11 7083.0700 LICENSES.

7.12 ~~Subpart 1. State license required.~~ A state SSTS license
7.13 applicable to the type of work being performed is required for
7.14 any business that conducts work to design, install, repair,
7.15 maintain, operate, or inspect all or part of an SSTS. A license
7.16 is also required to land spread septage and operate a sewage
7.17 collection system discharging to an SSTS. Property owners that
7.18 employ a business to perform this work shall hire a business
7.19 that is licensed according to this chapter. Individuals exempt
7.20 from a state SSTS license must follow all applicable local,
7.21 state, and federal requirements. A license is not required for:

7.22 A. an individual who is a qualified employee
7.23 performing work as directed by a state or local government
7.24 employer;

7.25 B. an individual who, after obtaining a signed site
7.26 evaluation and design report from a licensed design business,
7.27 constructs an ISTS to serve a dwelling that is owned by the
8.1 individual and functions solely as a dwelling or seasonal
8.2 dwelling for that individual. Any assistance provided to the
8.3 system owner in construction of a system under this item must be
8.4 performed by a licensed installation business;

8.5 C. an individual who performs supervised labor or
8.6 services as an employee of a licensed SSTS business;

8.7 D. a farmer who pumps septage from an ISTS that
8.8 serves dwellings or other establishments that are owned or
8.9 leased by the farmer and applies septage on land that is owned
8.10 or leased by the farmer;

8.11 E. a property owner who personally gathers existing
8.12 information, evaluates, and investigates an ISTS to provide a
8.13 disclosure as defined in Minnesota Statutes, section 115.55,
8.14 subdivision 6, for a dwelling that is owned by the individual
8.15 and functions solely as a dwelling or seasonal dwelling for that
8.16 individual;

8.17 F. an individual or business who abandons an SSTS;

8.18 G. an individual who maintains a toilet waste
8.19 treatment device for a dwelling that is owned by the individual
8.20 and functions solely as a dwelling or seasonal dwelling for that
8.21 individual; ~~or~~

8.22 H. an individual who performs tasks identified in the
8.23 system's management plan that do not require a maintainer or
8.24 service provider license for a dwelling that is owned by the

8.25 individual and functions solely as a dwelling or seasonal
8.26 dwelling for that individual-; or
8.27 I. the owner or designee of a campground or other
9.1 similar facility who removes and transports sewage wastes from
9.2 recreational vehicles into a holding or treatment system located
9.3 on the same property as the facility.
9.4 ~~Subp. 2. Land application. Land application of stored~~
9.5 ~~septage must be conducted by a Type IV operator certified under~~
9.6 ~~chapter 7048.~~
9.7 7083.0710 CATEGORIES, AUTHORIZATIONS, AND RESPONSIBILITIES.
9.8 Except as described in part 7083.0700, ~~subpart 1,~~ an
9.9 individual or business must not perform the services described
9.10 in this chapter and chapters 7080 to 7082, as published in the
9.11 State Register, volume 31, pages 1025 to 1088, and as
9.12 subsequently adopted, unless licensed by the commissioner under
9.13 the appropriate license category in parts 7083.0720 to 7083.0800.
9.14 7083.0720 REQUIREMENTS FOR SSTS LICENSED BUSINESSES.
9.15 A licensed business must:
9.16 A. ensure that all SSTS work is conducted according
9.17 to applicable requirements;
9.18 B. ensure that the business's certified individuals
9.19 or apprentices fulfill the conditions under parts 7083.0710 to
9.20 7083.0800;
9.21 C. designate an adequate number of certified
9.22 individuals to meet the requirements under this chapter;
9.23 D. maintain the bond and insurance required under
9.24 part 7083.1000;
9.25 E. prepare and submit written reports according to
9.26 local ordinance requirements and requirements in this chapter
10.1 and chapters 7080 and 7081, as published in the State Register,
10.2 volume 31, pages 1025 and 1064, and as subsequently adopted;
10.3 F. notify the commissioner in writing within 30 days
10.4 if the business has:
10.5 (1) a change of address;
10.6 (2) a change in certified individuals; or
10.7 (3) a change in bond or insurance coverage; and
10.8 G. maintain all reports for a minimum of five years.
10.9 7083.0730 REQUIREMENTS FOR CERTIFIED INDIVIDUALS.
10.10 A certified individual must:
10.11 A. provide ~~direction~~ direct and personal supervision
10.12 to noncertified employees working on an SSTS;
10.13 B. ensure the work completed meets applicable
10.14 requirements; and
10.15 C. complete a certified statement for required
10.16 reports.
10.17 7083.0740 DESIGN LICENSE.
10.18 Subpart 1. **Authorization.**
10.19 A. A ~~basic~~ licensed basic design business ~~may~~ is
10.20 authorized to conduct site and soil evaluations, design systems,
10.21 and write management plans for a Type I, II, or III ISTS as
10.22 described under part 7080.2200 to 7080.2300, as published in the
10.23 State Register, volume 31, pages 1054 to 1057, and as
10.24 subsequently adopted, serving dwellings or other establishments
10.25 with ~~an average daily~~ a design flow of 2,500 gallons per day or

10.26 less.

11.1 B. ~~An advanced A~~ licensed advanced design business
11.2 ~~may is authorized to~~ conduct site and soil evaluations, design
11.3 systems, and write management plans for ~~Type I to Type V systems~~
11.4 ~~as described in parts 7080.2200 to 7080.2400, as published in~~
11.5 ~~the State Register, volume 31, pages 1054 to 1061, and as~~
11.6 ~~subsequently adopted, serving dwellings or other establishments~~
11.7 ~~with an average daily flow of 2,500 gallons per day or less all~~
11.8 sizes and types of SSTS.

11.9 C. ~~An MST5 licensed design business may conduct site~~
11.10 ~~and soil evaluations, design systems, and write management plans~~
11.11 ~~for systems described in items A and B and an MST5.~~

11.12 Subp. 2. **Responsibilities.** All design licensees must:

11.13 A. inform the proposed system owner of:

11.14 ~~(1)~~ the type classification of the system under
11.15 parts 7080.2200 to 7080.2400, as published in the State
11.16 Register, volume 31, pages 1054 to 1061, and as subsequently
11.17 adopted; ~~and~~

11.18 ~~(2) the estimated costs for construction,~~
11.19 ~~operation, monitoring, service, component replacement, and~~
11.20 ~~management and the anticipated system life; and~~

11.21 B. provide written reasonable assurance of system
11.22 performance to the local unit of government including, but not
11.23 limited to:

11.24 (1) adherence to system type requirements; or

11.25 (2) technical basis for design elements for Type

11.26 II to Type V systems; ~~and~~

11.27 C. prepare detailed design sheets, drawings,
12.1 calculations, materials, system layout, and elevations.

12.2 Subp. 3. **Certified designers.** Certified designers must
12.3 ~~review~~ conduct the soil descriptions and review other site
12.4 evaluations and designs by noncertified employees. This review
12.5 includes both verification of field observations and conclusions
12.6 and design assumptions and calculations.

12.7 7083.0750 INSPECTION LICENSE.

12.8 Subpart 1. **Authorization.**

12.9 A. A licensed basic inspection business ~~may is~~
12.10 authorized to conduct compliance inspections and issue written
12.11 certificates of compliance and notices of noncompliance for an
12.12 existing ISTS described in part 7083.0740, subpart 1, ~~items~~ item

12.13 ~~A and B.~~ An inspection business ~~may is allowed to~~ install a new
12.14 system for a property in which the business has conducted an
12.15 existing ISTS compliance inspection, provided the business holds
12.16 the appropriate licenses. A local unit of government is allowed
12.17 to authorize a licensed inspection business ~~may be authorized to~~
12.18 review and approve site evaluations and designs, inspect new
12.19 construction and replacement systems, ~~review~~ verify the
12.20 submittal of management plans, and issue written certificates of
12.21 compliance and notices of noncompliance for systems described in
12.22 part 7083.0740, subpart 1, items A and B, ~~on behalf of a local~~
12.23 ~~unit of government.~~

12.24 B. A licensed ~~MST5~~ advanced inspection business ~~may~~
12.25 is authorized to conduct compliance inspections and issue
12.26 written certificates of compliance and notices of noncompliance

12.27 for ~~an~~ existing ~~MSTS~~ systems described in part 7083.0740,
13.1 subpart 1, item ~~C~~ B. An inspection business ~~may~~ is authorized
13.2 to install a new system for a property in which the business has
13.3 conducted an existing system compliance inspection, provided the
13.4 business holds the appropriate licenses. A local unit of
13.5 government is allowed to authorize a licensed ~~MSTS~~ advanced
13.6 inspection business ~~may be authorized~~ to review and approve site
13.7 evaluations and designs, inspect new construction and
13.8 replacement systems, ~~review~~ verify the submittal of management
13.9 plans, and issue written certificates of compliance and notices
13.10 of noncompliance for systems described in part 7083.0740,
13.11 subpart 1, item ~~C~~, ~~on behalf of a local unit of government~~ B.
13.12 Subp. 2. **Responsibilities.** Inspection and ~~MSTS~~ inspection
13.13 licensees must submit a completed version of the agency's
13.14 existing inspection form to the local unit of government and the
13.15 property owner within 30 days after any existing system
13.16 compliance inspection.
13.17 Subp. 3. **Certified inspectors.** Certified inspectors are
13.18 responsible for personally conducting the necessary procedures
13.19 to assess system compliance. Certified inspectors must complete
13.20 and sign the agency's existing system inspection form.
13.21 7083.0760 INSTALLATION LICENSE.
13.22 Subpart 1. **Authorization.** A licensed installation
13.23 business ~~may~~ is authorized to construct, install, alter, extend,
13.24 maintain, or repair all SSTS according to an approved design.
13.25 Subp. 2. **Responsibilities.** Installation licensees must:
13.26 A. ensure all work is done according to an approved
13.27 design report;
14.1 B. notify the local unit of government when work is
14.2 in need of required inspections;
14.3 C. provide as-built drawings to the owner and local
14.4 unit of government within 30 days of system installation;
14.5 D. maintain quality control and quality assurance
14.6 records for five years;
14.7 E. provide system owners with information concerning
14.8 system operation and maintenance;
14.9 F. ensure that all construction activities comply
14.10 with applicable storm water regulations;
14.11 G. ~~institute no change from the signed and approved~~
14.12 ~~design report until the proposed change is made by the designer~~
14.13 ~~and approved by the local unit of government~~ follow recommended
14.14 standards and guidance documents for registered products and
14.15 check quality of materials used;
14.16 H. negotiate with the system owner ~~to~~ and jointly
14.17 determine who will be responsible for seeding, erosion and frost
14.18 protection, watering, and other vegetation establishment
14.19 activities; and
14.20 I. pay the septic system tank fee and submit the form
14.21 according to Minnesota Statutes, section 115.551, including
14.22 notification if no tanks were installed during the reporting
14.23 year. The form and payment are due to the commissioner by
14.24 January 31 for the previous calendar year's installations.
14.25 Subp. 3. **Certified installers.** Certified installers must
14.26 be at the worksite to meet supervision needs as determined by

14.27 the training and experience level of the crew and local
15.1 requirements and to ensure that the installation, alteration, or
15.2 extension of an SSTS is in accordance with an approved design
15.3 report and permit. The certified installer must prepare quality
15.4 control and quality assurance records and prepare and sign
15.5 as-built drawings. The certified installer must personally
15.6 determine, supervise, and verify:
15.7 A. the system layout and placement;
15.8 B. that site conditions allow for construction;
15.9 C. the proper soil moisture conditions for
15.10 excavation;
15.11 D. the elevations of sewage tanks and soil treatment
15.12 systems;
15.13 E. the quality of tanks and suitability of other
15.14 materials;
15.15 F. solutions to problems encountered; and
15.16 G. upgrade and repair advice provided.

15.17 7083.0770 MAINTENANCE LICENSE.

15.18 Subpart 1. **Authorization.** A licensed maintenance business
15.19 ~~may is authorized to~~ measure scum and sludge depths in sewage
15.20 tanks for the accumulation of solids and removing these
15.21 deposits; remove solids and liquids from toilet waste treatment
15.22 devices; transport septage; land apply septage or dispose of
15.23 septage in a treatment facility; identify problems related to
15.24 sewage tanks, baffles, maintenance hole covers, extensions, and
15.25 pumps and make the repairs; evaluate sewage tanks, ~~dosing~~
15.26 ~~chambers pump tanks,~~ distribution devices, valve boxes, or drop
15.27 boxes for leakage; identify cesspools, seepage pits, leaching
16.1 pits, and drywells; and clean supply pipes and distribution
16.2 pipes for all SSTS.

16.3 Subp. 2. **Responsibilities.** Maintenance licensees must:

16.4 A. record pump-out date, gallons removed, any tank
16.5 leakage below or above the operating depth, the access point
16.6 used to remove the septage, the method of disposal, the reason
16.7 for pumping, any safety concerns with the maintenance hole
16.8 cover, and any troubleshooting or repairs conducted. This
16.9 information must be submitted to the homeowner within 30 days
16.10 after the maintenance work is performed. Maintenance business
16.11 pumping record information must be maintained by the business
16.12 for a period of five years;

16.13 B. observe and provide written reports of any
16.14 noncompliance to the system owner within 30 days; and

16.15 C. ~~report new service contracts entered into or~~
16.16 ~~cancellation of current service contracts to the local unit of~~
16.17 ~~government within 30 days after the maintenance work is~~
16.18 ~~performed; and~~

16.19 ~~D.~~ obtain a signed statement if the owner refuses to
16.20 allow the removal of solids and liquids through the maintenance
16.21 hole.

16.22 Subp. 3. **Certified maintainers.** Certified maintainers
16.23 must provide proper training, daily review of work, and periodic
16.24 observation of work conducted by noncertified individuals.
16.25 Certified maintainers are responsible for conducting or
16.26 supervising:

16.27 A. the measurement of scum and sludge depths;
17.1 B. the making of sensory observations if nondomestic
17.2 wastes ~~may~~ have been discharged into the system;
17.3 C. the identification of problems and watertightness
17.4 related to sewage tanks;
17.5 D. the assessment of the condition of baffles,
17.6 effluent screens, maintenance hole covers, and extensions;
17.7 E. the removal of septage; and
17.8 F. the land application of septage or disposal in a
17.9 treatment facility.
17.10 7083.0780 SERVICE PROVIDER LICENSE.
17.11 Subpart 1. **Authorization.** A licensed service provider
17.12 business ~~may~~ is authorized to measure scum and sludge depths for
17.13 the accumulation of solids; identify problems related to sewage
17.14 tanks, baffles, effluent screens, maintenance hole covers,
17.15 extensions, and pumps and make the repairs; evaluate sewage
17.16 tanks, dosing chambers, distribution devices, valve boxes, or
17.17 drop boxes for leakage; and clean supply pipes and distribution
17.18 pipes. Service provider businesses ~~may~~ are also authorized to
17.19 assess, adjust, and service systems for proper operation; take,
17.20 preserve, store, and ship samples for analysis; interpret
17.21 sampling results and report results for an SSTS; and operate
17.22 sewage collections systems discharging to an SSTS.
17.23 Subp. 2. **Responsibilities.** Service provider licensees
17.24 must:
17.25 A. report sampling results, operational observations,
17.26 system adjustments, and other management activities in
17.27 compliance with local ordinances, management plans, or operating
18.1 permit requirements; and
18.2 B. observe and provide written reports of any
18.3 noncompliance to the system owner and the local unit of
18.4 government within 30 days; ~~and.~~
18.5 ~~C. report new service contracts entered into or~~
18.6 ~~cancellation of current service contracts to the local unit of~~
18.7 ~~government within 30 days.~~
18.8 Subp. 3. **Certified service providers.** Certified service
18.9 providers must provide proper training, daily review of work,
18.10 and periodic observation of work conducted by noncertified
18.11 individuals. Certified service providers are responsible for
18.12 conducting or supervising:
18.13 A. the measurement of scum and sludge depths for the
18.14 accumulation of solids;
18.15 B. the making of sensory observations if nondomestic
18.16 wastes may have been discharged into the system;
18.17 C. the identification of problems and watertightness
18.18 related to sewage tanks; and
18.19 D. the assessment of the condition of baffles,
18.20 effluent screens, maintenance hole covers, and extensions.
18.21 Subp. 4. **Certified service providers.** Certified service
18.22 providers must personally:
18.23 A. assess the operational status and system
18.24 performance by sampling, measuring, and observing in compliance
18.25 with the management plan or operating permit;
18.26 B. preserve, store, and ship samples for analysis and

18.27 interpret sampling results;

19.1 C. adjust, repair, or replace components to bring the
19.2 system into proper operational compliance;

19.3 D. assess the operational status of sewage collection
19.4 systems and adjust, repair, or replace components to bring the
19.5 system into proper operational status; and

19.6 E. complete and submit any necessary reporting to the
19.7 system owner and the local unit of government.

19.8 7083.0790 OTHER WORK.

19.9 In the case of SSTS work not described under parts
19.10 7083.0740 to 7083.0780, the commissioner shall determine if a
19.11 license is necessary and, if so, which license category is
19.12 applicable along with the requirements necessary to obtain a
19.13 license.

19.14 7083.0800 RESTRICTED LICENSES.

19.15 The commissioner ~~may~~ is allowed to add restrictions to a
19.16 license for the following reasons:

19.17 A. as the result of an enforcement action under part
19.18 7083.2020;

19.19 B. as a method to allow an apprentice to gain
19.20 experience as described under part 7083.1050, subpart 2, item B;
19.21 or

19.22 C. as a method to limit the scope of the work to be
19.23 conducted under the license to coincide with restrictions placed
19.24 on the certified individual according to part 7083.2010, subpart
19.25 6.

19.26 7083.0900 APPLICATION FOR LICENSE; FEES; RENEWAL.

20.1 Subpart 1. **Eligibility.** A business is eligible to apply
20.2 for an SSTS license when it has:

20.3 A. one or more certified individuals with specialty
20.4 area certifications matching the requested license to meet the
20.5 conditions under parts 7083.0710 to 7083.0800;

20.6 B. general liability insurance as required by part
20.7 7083.1000; and

20.8 C. a corporate surety bond as required by part
20.9 7083.1000.

20.10 Subp. 2. **Requirements for obtaining or renewing licenses.**
20.11 A business that meets the eligibility requirements under subpart
20.12 1 ~~may~~ must apply for or renew a license on forms provided by the
20.13 commissioner. The application must be submitted to the agency
20.14 no later than 60 days prior to the expiration or renewal date.
20.15 Issuance of a new license also requires a 60-day review and
20.16 approval period.

20.17 Subp. 3. **Fees.** The annual SSTS license fee is \$100 for
20.18 each license category under parts 7083.0710 to 7083.0800. The
20.19 annual license fee for a business with multiple licenses shall
20.20 not exceed \$200.

20.21 Subp. 4. **Issuance.** Upon the commissioner's approval of
20.22 the license application and payment of the license fee, a
20.23 license must be issued to the proprietor of a sole
20.24 proprietorship, the partners of a partnership, or the corporate
20.25 chief executive officer or a qualifying person in Minnesota
20.26 designated by a corporation.

20.27 Subp. 5. **Term.** A license is valid for one year after the

21.1 date of issuance. An applicant is allowed to request a license
21.2 ~~renewals may be requested~~ renewal for longer periods up to three
21.3 years. The fee is determined by multiplying the approved number
21.4 of years by the fee in subpart 3.

21.5 Subp. 6. **Denial.** The commissioner shall deny an
21.6 application for issuance or renewal of a license if the
21.7 applicant is not eligible under subpart 1. The commissioner is
21.8 authorized to deny a license application ~~may also be denied as~~
21.9 the result of an enforcement action under part 7083.2020.

21.10 A ~~pending~~ denial based on part 7083.2020 ~~may~~ must not be issued
21.11 before an opportunity is provided for a contested case hearing
21.12 complying with Minnesota Statutes, chapter 14.

21.13 7083.1000 BONDING AND INSURANCE FOR SSTS LICENSED BUSINESSES;
21.14 LIABILITY.

21.15 Subpart 1. **Bond and insurance requirements.**

21.16 A. To be eligible for SSTS licensing, a business must
21.17 have a minimum of \$100,000 of general liability insurance. The
21.18 minimal amount is not increased for businesses with multiple
21.19 licenses. The insurance must be written by a business licensed
21.20 to provide insurance in Minnesota.

21.21 B. To be eligible for SSTS licensing, proof of
21.22 general liability insurance must be evidenced by a certificate
21.23 of insurance form that shows the minimum coverage that will be
21.24 in effect for at least the term of the license. The licensee is
21.25 responsible for providing written notice to the commissioner
21.26 within 30 days of cancellation or change in liability
21.27 insurance. If the insurance is canceled or the amount of
22.1 coverage is reduced to less than the amounts in item A, the
22.2 license immediately and automatically becomes invalid and the
22.3 business must not perform SSTS work until the business obtains
22.4 insurance meeting the requirements of this part and submits
22.5 notification of insurance coverage to the commissioner.

22.6 C. To be eligible for SSTS licensing, a business must
22.7 hold a corporate surety bond in the amounts specified in Table I
22.8 or greater. If a business seeks more than one license, then the
22.9 license category with the highest bonding amount fulfills the
22.10 bond requirement for all licenses sought. ~~A licensed SSTS~~
22.11 ~~business must disclose the amount of bond coverage to those to~~
22.12 ~~whom they are providing services.~~

22.13 Table I

22.15	License	Minimum Bond Amounts
22.17	Basic design	\$10,000
22.18	Advanced design	\$15,000 <u>\$25,000</u>
22.19	MSTS design	\$25,000
22.20	Inspection	\$10,000
22.21	MSTS <u>Advanced</u> inspection	\$25,000
22.22	Installation	\$10,000
22.23	Maintenance	\$10,000
22.24	Service provider	\$10,000

22.26 D. The corporate surety bond must be written by a
22.27 corporate surety licensed to do business in Minnesota.

22.28 E. The corporate surety bond must be submitted to the
22.29 commissioner on the bond form provided in part 7080.2030 and
22.30 must name the applicant as the principal.

22.31 F. The corporate surety bond must be signed by an
22.32 official of the business who is legally authorized to represent
22.33 the business and must list a contact if a claim is to be filed.

22.34 G. The corporate surety bond must cover work to be
23.1 done under all SSTS licenses to be held by the business.

23.2 Subp. 2. **Bond use.**

23.3 A. The corporate surety bond must be conditioned on
23.4 the principal faithfully performing the duties and complying
23.5 with all laws, ordinances, and rules pertaining to the SSTS
23.6 license applied for and all contracts entered into.

23.7 B. A person suffering a loss from the principal
23.8 failing to act according to item A ~~may~~ is allowed to petition
23.9 the corporate surety to seek and ~~may~~ be granted a partial or
23.10 full payment of the bond.

23.11 Subp. 3. **Term of bond.** The term of the corporate surety
23.12 bond must be continuous with the term of the license. The penal
23.13 sum of the bond is noncumulative and must not be aggregated
23.14 every year that the bond is in force.

23.15 Subp. 4. **Notification of bond actions.** The corporate
23.16 surety must provide written notice to the commissioner within 30
23.17 days of cancellation or reduction of a licensee's bond. If a
23.18 corporate surety bond is canceled or the amount of coverage is
23.19 reduced to less than the amounts in subpart 1, Table I, the
23.20 license immediately and automatically becomes invalid and the
23.21 business must not perform SSTS work until the business obtains
23.22 another corporate surety bond meeting the requirements of this
23.23 part and submits notification of renewed bond coverage to the
23.24 commissioner. The corporate surety must notify the principal of
23.25 any claims pending against the bond within five days of the
23.26 receipt of the claim and notify the principal of any payments
23.27 made against the bond within five days of payment.

24.1 Subp. 5. **Other professional assistance.** An SSTS business
24.2 that seeks, accepts, and implements work products developed by a
24.3 noncertified individual is responsible and liable for the
24.4 related performance of the system.

24.5 7083.1010 QUALIFIED EMPLOYEE REQUIREMENTS.

24.6 A qualified employee must fulfill the applicable
24.7 responsibilities under parts 7083.0710 to 7083.0800 that are
24.8 applicable to the work being performed. Qualified employees
24.9 must be certified with specialty area certifications applicable
24.10 to the work being conducted. An apprentice is eligible to be a
24.11 qualified employee ~~may be an apprentice~~ if the individual has
24.12 specialty area certifications applicable to the work to be
24.13 completed, has fulfilled the requirement under part 7083.1050,
24.14 subpart 2, and has been issued performance restrictions.

24.15 7083.1020 SSTS INDIVIDUAL CERTIFICATION AND TRAINING PROGRAM.

24.16 Subpart 1. **Purpose.** Parts 7083.1020 to 7083.1090
24.17 establish the SSTS individual certification and training
24.18 program. This program establishes training, experience, and
24.19 examination requirements for SSTS individual certification. An
24.20 individual ~~may~~ is allowed to be certified in the following

24.21 specialty areas:

24.22 A. designer;

24.23 B. advanced designer;

24.24 C. ~~MSTS designer~~;

24.25 ~~D.~~ inspector;

24.26 ~~E.~~ D. MSTS advanced inspector;

25.1 ~~F.~~ E. installer;

25.2 ~~G.~~ F. maintainer; and

25.3 ~~H.~~ G. service provider.

25.4 Subp. 2. **Program components.** An individual must

25.5 successfully complete the following components for a specialty

25.6 area to qualify for certification in that specialty area:

25.7 A. training described under part 7083.1030;

25.8 B. examination described under part 7083.1040;

25.9 C. experience described under part 7083.1050; and

25.10 D. continuing education described under part

25.11 7083.1060.

25.12 Subp. 3. **Application.** An individual who qualifies under

25.13 subpart 2, items A to C, for a specialty area may is allowed to

25.14 apply to be certified by the commissioner according to part

25.15 7083.1080. Individuals who complete subpart 2, items A and B,

25.16 for a specialty area may are allowed to apply to receive an

25.17 apprentice designation according to part 7083.1090.

25.18 Subp. 4. **Certification period.** A certification issued by

25.19 the commissioner is valid for a three-year period.

25.20 Subp. 5. **Applicable certification specialty area.** In the

25.21 case of SSTS work not described under parts 7083.0710 to

25.22 7083.0800, the commissioner shall determine which certification

25.23 specialty area is applicable.

25.24 7083.1030 TRAINING.

25.25 Subpart 1. **Required training.** To fulfill the training

25.26 requirement for one or more specialty areas under the

25.27 certification and training program, an individual must

26.1 successfully complete formal coursework that covers basic SSTS

26.2 knowledge and specialty area training as described in items A

26.3 and B.

26.4 A. All certified individuals must have formal SSTS

26.5 training in soil treatment theory; design and construction

26.6 fundamentals; system operational requirements; statute and rule

26.7 requirements; technology options; and state licensing

26.8 requirements, standards, and criteria.

26.9 B. SSTS specialty area certifications must have

26.10 formal training to perform the required responsibilities for

26.11 each specialty area in parts 7083.0710 to 7083.0800. Advanced

26.12 ~~and MSTS~~ designers must receive training in a specific

26.13 technology before designing and writing a management plan for

26.14 that technology.

26.15 Subp. 2. **Accreditation of training.** Training used to

26.16 fulfill the requirements under subpart 1 and part 7083.1060 must

26.17 be accredited by the commissioner according to part 7083.1070.

26.18 7083.1040 EXAMINATION.

26.19 Subpart 1. **Examinations.** An examination for basic

26.20 information regarding an SSTS and each of the specialty areas

26.21 under part 7083.1020, subpart 1, must be offered by the

26.22 commissioner at least annually. The examinations must be based
26.23 on the skill, knowledge, experience, and education that a person
26.24 must have to perform the authorized duties and responsibilities
26.25 under parts 7083.0710 to 7083.0800 for each specialty area
26.26 sought. An individual must successfully complete the basic and
26.27 specialty area examinations with a passing score of 70 percent
27.1 or greater to qualify for certification and apprentice
27.2 designation. The commissioner ~~may~~ shall require a passing score
27.3 of 70 percent or greater on any portion or subpart of an
27.4 examination, which focuses on a critical skill component, in
27.5 order to pass the entire examination.

27.6 Subp. 2. **Expiration of test score.** An examination that
27.7 qualifies for certification expires if the continuing education
27.8 requirements under part 7083.1060, subpart 1, are not
27.9 fulfilled. The period within which continuing education must be
27.10 completed starts when the first examination is taken in which a
27.11 passing score is received.

27.12 Subp. 3. **Failure on examination.** An individual who fails
27.13 an examination is ineligible to retake the same examination for
27.14 six months unless the individual has completed additional
27.15 training approved by the agency in the subject matter covered by
27.16 the failed examination in addition to that required under part
27.17 7083.1030, subpart 1. Official documentation of this additional
27.18 training must be provided at the time the examination is retaken.
27.19 Training hours used to fulfill this reexamination requirement
27.20 ~~may must~~ not be used to fulfill continuing education
27.21 requirements. Failure to pass the examination in a specialty
27.22 area or the basic examination does not prevent the person from
27.23 taking an examination for a different specialty area
27.24 certification.

27.25 7083.1050 EXPERIENCE.

27.26 Subpart 1. **Experience requirements.** An individual seeking
27.27 certification must:

28.1 A. complete the experience requirement according to
28.2 one of the methods under subpart 2;

28.3 B. complete the amount of experience according to
28.4 subpart 5;

28.5 C. acquire necessary experience within the six years
28.6 immediately preceding submission of the completed certification
28.7 application; and

28.8 D. complete and submit the documentation requirements
28.9 under subpart 4.

28.10 Subp. 2. **Options to gain experience.** The experience
28.11 needed to qualify for a specialty area ~~may must~~ be acquired by
28.12 one of the methods in items A to ~~D~~. C or other method approved
28.13 by the commissioner:

28.14 A. ~~Experience may be completed~~ as an employee or
28.15 worker of a licensed SSTS business under an experience plan as
28.16 described in subpart 3-~~i~~

28.17 B. ~~Experience may be gained~~ as an apprentice under a
28.18 restricted license. Qualifying experience under a restricted
28.19 license must be completed under an experience plan as described
28.20 in subpart 3-~~i~~ or

28.21 C. ~~Experience may be gained~~ through field work

28.22 experience from an agency-accredited training program that
28.23 provides realistic in-field work situations.

28.24 ~~D. Experience may be gained through a method approved~~
28.25 ~~by the commissioner.~~

28.26 Subp. 3. **Experience plan.** Experience plans must meet the
28.27 requirements in this subpart.

29.1 A. Experience gained under an experience plan must be
29.2 gained under the supervision of an unrestricted certified
29.3 individual who has a specialty area certification that is the
29.4 same as the specialty area sought by the individual acquiring
29.5 the experience or under the supervision of an inspector who is
29.6 authorized to design and inspect the system. After December 31,
29.7 2010, an individual providing experience oversight must be a
29.8 mentor as described in part 7083.2000.

29.9 B. Experience plans must be submitted to and approved
29.10 by the commissioner before apprentice designation is granted.
29.11 The commissioner ~~may~~ shall require that the plan be discontinued
29.12 or modified to correct the problems if the objectives for
29.13 acquiring experience are not being fulfilled. The commissioner
29.14 shall make a final evaluation to determine if the experience
29.15 gained under the plan successfully fulfilled the experience
29.16 requirement.

29.17 C. Experience plans must include the number of
29.18 systems to be worked on to obtain experience and the applicable
29.19 specialty area requirements in subitems (1) to (4).

29.20 (1) Experience plans for apprentice designer must
29.21 verify the completeness and accuracy of the preliminary and
29.22 field evaluation work products. This includes the in-field
29.23 verification of the soil borings and the interpretation of the
29.24 height of the ~~seasonally~~ periodically high saturated soil level
29.25 and bedrock. All design assumptions and calculations must be
29.26 verified.

29.27 (2) Experience plans for apprentice installer
30.1 must verify construction of systems according to the approved
30.2 design and applicable construction requirements. Verification
30.3 must include on-site observations during the work periods
30.4 identified in part 7083.0760, subpart 3, items A to G.

30.5 (3) Experience plans for apprentice inspector
30.6 must verify the completeness and accuracy of inspecting the
30.7 compliance status of a newly constructed or existing ISTS. This
30.8 verification includes a field verification of all field
30.9 observations and conclusions. Design reviews must also be
30.10 verified.

30.11 (4) Experience plans for an apprentice maintainer
30.12 must verify that sewage tanks were maintained and septage
30.13 disposal was in accordance with applicable rules. This
30.14 verification includes a field verification of all work
30.15 activities.

30.16 Subp. 4. **Experience plan reporting.**

30.17 A. All work used to gain experience for certification
30.18 must be documented. Documentation shall include all
30.19 information, records, or other documents required by this
30.20 chapter or chapters 7080 to 7082, as published in the State
30.21 Register, volume 31, pages 1025 to 1079, and as subsequently

30.22 adopted. The documentation must be submitted to the
30.23 commissioner from a minimum of five jobs along with the
30.24 experience plan from those same jobs. The documentation must
30.25 provide the basis for approval or denial of a certification.
30.26 B. Approvals, sign-offs, or certificates of
30.27 compliance issued by the local unit of government must be
31.1 submitted to the commissioner for the five jobs noted in item A.
31.2 C. The completed experience plan must contain the
31.3 signature and certification number of the mentor.
31.4 D. The submittal must contain any other information
31.5 necessary to determine compliance with this part.
31.6 Subp. 5. **Amount of experience.**
31.7 A. An applicant for certification as a basic designer
31.8 must have co-completed with a mentor a minimum of 15 ISTS site
31.9 and soil evaluations, designs, and management plans for a Type
31.10 I, II, or III system, as defined under parts 7080.2200 and
31.11 7080.2300, as published in the State Register, volume 31, pages
31.12 1054 to 1057, and as subsequently adopted, with a flow of 2,500
31.13 gallons per day or less, with a minimum of one aboveground
31.14 system design, and a minimum of one belowground system design.
31.15 An applicant must observe five installations and five service or
31.16 operational instances, with mentorship not required. No
31.17 additional experience is required to qualify for the advanced ~~or~~
31.18 ~~MSTS~~ designer certification.
31.19 B. An applicant for certification as an installer
31.20 must have completed a minimum of 15 ISTS installations, with a
31.21 minimum of one aboveground system installation and a minimum of
31.22 one belowground system installation. An applicant must observe
31.23 five service or operational instances, with mentorship not
31.24 required.
31.25 C. An applicant for certification as ~~an~~ a basic
31.26 inspector must have co-completed with a mentor a minimum of 15
31.27 inspections of Type I ~~to V~~, II, or III systems, as defined under
32.1 parts 7080.2200 and 7080.2300, as published in the State
32.2 Register, volume 31, pages 1054 and 1059, and as subsequently
32.3 adopted, with a flow of 2,500 gallons per day or less. ~~No~~
32.4 ~~additional experience is required to qualify for an MSTS~~
32.5 ~~certification.~~
32.6 D. An applicant for certification as a maintainer
32.7 must have co-completed with a mentor a minimum of 15 pump-outs
32.8 with properly disposed of septage.
32.9 E. No experience is required to qualify for the
32.10 service provider certification.
32.11 7083.1060 CONTINUING EDUCATION.
32.12 Subpart 1. **Renewal requirements.**
32.13 A. All designers and inspectors who are certified or
32.14 apprentices must complete 18 hours of continuing education
32.15 training related to SSTS every three years, with a minimum of
32.16 six of those hours devoted to soils education with a field
32.17 component. All installers and service providers who are
32.18 certified or apprentices must complete 12 hours of continuing
32.19 education training related to SSTS every three years.
32.20 B. An individual with a maintainer certification must
32.21 complete nine hours of continuing education related in general

32.22 to SSTS or six hours of continuing education specifically
32.23 related to SSTS maintenance or land application of septage every
32.24 three years. A maintainer whose gross annual revenue from
32.25 pumping systems is \$9,000 or less and whose gross revenue from
32.26 pumping systems during the year ending May 11, 1994, was at
32.27 least \$1,000 is not subject to the continuing education
33.1 requirements.

33.2 C. Certified individuals and apprentices must
33.3 complete the applicable hours of continuing education under
33.4 items A and B that meet the criteria under subpart 2 for each
33.5 time period specified in those items. The continuing education
33.6 requirement is not increased for multiple specialty area
33.7 certifications. Continuing education hours earned in excess of
33.8 those required under this subpart ~~may shall~~ not be carried over
33.9 to meet the requirements for future renewal periods. The
33.10 renewal period begins when the first examination is taken in
33.11 which a passing score is received under part 7083.1040.

33.12 D. The continuing education must be taken during the
33.13 time specified in this subpart and remains valid even though not
33.14 reported before the end of the certification period. However,
33.15 certification is considered expired until the training is
33.16 reported. If adequate continuing education training is not
33.17 taken during the certification period, recertification must be
33.18 gained by taking the necessary continuing education hours and
33.19 retaking the examinations.

33.20 E. In each certification period, certified
33.21 individuals and apprentices must accrue continuing education
33.22 hours specified in items A to C. At least one-half of the
33.23 required training must be directly related to the administrative
33.24 and technical parts of chapters 7080 to 7083 as published in the
33.25 State Register, volume 31, pages 1025 to 1101, and as
33.26 subsequently adopted, as determined by the commissioner.

33.27 Subp. 2. **Criteria for continuing education.** Coursework
34.1 that qualifies for continuing education credit is coursework
34.2 related to the technical aspects of sewage, sewage treatment,
34.3 SSTS, soil identification, soil interpretation, soil water
34.4 movement, engineering or environmental health related to SSTS,
34.5 maintenance or operation of an SSTS, land application of wastes,
34.6 or other related topics. Credit must also be given for
34.7 coursework relating to state SSTS rules and statutes and
34.8 coursework related to the administration of local ordinances,
34.9 permitting, and inspection. Only programs accredited or
34.10 otherwise authorized by the commissioner for continuing
34.11 education credit ~~may are allowed to~~ be used to maintain a
34.12 certification or apprentice designation.

34.13 7083.1070 ACCREDITATION OF TRAINING PROGRAMS AND AUTHORIZATION
34.14 OF TRAINING FOR CONTINUING EDUCATION CREDITS.

34.15 Subpart 1. **Requirements.** To receive training program
34.16 accreditation for basic, specialty area, or continuing education
34.17 training, the program sponsor must submit to the commissioner:

34.18 A. a written objective that describes expected
34.19 outcomes for the participant;

34.20 B. the credentials of the persons conducting the
34.21 training that demonstrates the trainers' educational and

34.22 professional background and expertise in and knowledge of SSTS
34.23 and state SSTS standards, rules, and statutes and specifies the
34.24 subject areas that the trainers will be responsible for;
34.25 C. a training plan that demonstrates how the course
34.26 will meet the requirements in parts 7083.1030 and 7083.1060;
34.27 D. a method for evaluating successful completion,
35.1 including the form that will document course participation and
35.2 successful completion;
35.3 E. a description of the topics and how much time will
35.4 be spent on training for each topic during the hours the course
35.5 is conducted; and
35.6 F. a document signed by a representative of the
35.7 sponsoring organization certifying that the sponsor will
35.8 maintain records of participants, attendance, and successful
35.9 completions for a minimum of three years.

35.10 Subp. 2. **Procedures for approval.** The commissioner shall
35.11 approve a training course if the information submitted under
35.12 subpart 1 demonstrates that the course meets the objectives for
35.13 a specific specialty area under part 7083.1030 or for continuing
35.14 education under part 7083.1060. The commissioner shall evaluate
35.15 the submitted information to determine how many continuing
35.16 education credits will be awarded. ~~The accreditation may be~~
35.17 ~~reevaluated by the commissioner at any time.~~ The commissioner
35.18 may shall require that the training program be updated to ensure
35.19 recent industry developments are included. The commissioner
35.20 shall cancel accreditation ~~may be canceled by the commissioner~~
35.21 if the program sponsor does not respond to the commissioner's
35.22 written request for program information or training course
35.23 revisions or if the commissioner determines that the program has
35.24 not met its training objective.

35.25 Subp. 3. **Authorization of training for continuing**
35.26 **education credits.** Nonaccredited training ~~may qualify~~ qualifies
35.27 for continuing education credits only if authorized by the
36.1 commissioner. The person requesting the credits must provide
36.2 the information requirements of subpart 1 for any nonaccredited
36.3 training attended and document in written format how the course
36.4 will meet or has met the requirements under part 7083.1030 or
36.5 7083.1060, including proof of successful completion of the
36.6 training. The commissioner ~~may~~ is authorized to prorate the
36.7 credit hours granted based on the amount of the training that
36.8 pertains to the SSTS specialty area for which it is requested.
36.9 7083.1080 SSTS CERTIFICATION.

36.10 Subpart 1. **Qualifications.** The commissioner shall certify
36.11 in the appropriate specialty area individuals who successfully
36.12 satisfy the requirements in parts 7083.1030 to 7083.1060 as
36.13 applicable to a specialty area in part 7083.1020, subpart 1, and
36.14 submit a completed application under part 7083.2010, subpart 1,
36.15 that is approved by the commissioner.

36.16 Subp. 2. **Multiple certifications.** A certification for
36.17 each specialty area successfully completed must be added to an
36.18 individual's certification.

36.19 Subp. 3. **Certification required.** Except as provided under
36.20 part 7083.1090, subpart 1, certified individuals under part
36.21 7083.0900, subpart 1, item A, and qualified employees must be

36.22 certified under this part.

36.23 Subp. 4. **Maintaining certification.** To maintain
36.24 certification, an individual must fulfill the continuing
36.25 education requirements under part 7083.1060, complete the
36.26 renewal requirements under part 7083.2010, subpart 4, and
36.27 fulfill the responsibilities under parts 7083.0710 to 7083.0800
37.1 that are applicable to specialty area certifications.

37.2 Subp. 5. **Certification maintenance.** The commissioner
37.3 shall assign certification numbers, maintain a statewide
37.4 certification list, record training, and monitor performance of
37.5 all persons certified.

37.6 7083.1090 APPRENTICE.

37.7 Subpart 1. **Qualifications.**

37.8 A. An individual is designated as an apprentice if
37.9 the individual:

37.10 (1) successfully completes the requirements in
37.11 parts 7083.1030 and 7083.1040 for the specialty areas listed in
37.12 part 7083.1020, subpart 1;

37.13 (2) is gaining experience through a method
37.14 approved in part 7083.1050, subpart 2; and

37.15 (3) submits a complete application as required in
37.16 part 7083.2010, subpart 1, that is approved by the commissioner.

37.17 B. An apprentice ~~may~~ is allowed to perform the duties
37.18 of a certified individual according to parts 7083.0730 to
37.19 7083.0780 under a restricted license or as a restricted
37.20 qualified employee if the experience requirements of part
37.21 7083.1050 are met.

37.22 Subp. 2. **Maintaining apprentice designation.** To maintain
37.23 an apprentice designation, an individual must:

37.24 A. fulfill the continuing education requirements in
37.25 part 7083.1060;

37.26 B. complete the renewal requirements in part
37.27 7083.2010, subpart 4; and

38.1 C. fulfill the responsibilities in parts 7083.0710 to
38.2 7083.0800 that are applicable to specialty area certifications.

38.3 A certification for each specialty area successfully
38.4 completed must be added to an individual's certification or
38.5 apprentice designation.

38.6 7083.2000 MENTOR DESIGNATION.

38.7 Subpart 1. **Qualifications.** To be authorized to provide
38.8 mentorship to an individual to gain the necessary experience for
38.9 certification under part 7083.1050, subpart 2, items A and B, a
38.10 mentor must:

38.11 A. be certified in the mentor specialty area or be an
38.12 inspector; and

38.13 B. not have had a violation that resulted in a
38.14 successful enforcement action within the past five years.

38.15 Subp. 2. **Commissioner designation.** A candidate found to
38.16 meet the qualifications as a mentor under this part must be
38.17 designated by the commissioner as a mentor. The commissioner
38.18 ~~may~~ shall revoke mentorship designation upon finding a violation
38.19 that results in an administrative penalty order, stipulation
38.20 agreement, or schedule of compliance; incompetence; negligence;
38.21 fraud; illegal activity; or inappropriate conduct in the

38.22 performance of the duties authorized under the mentorship
38.23 designation.

38.24 Subp. 3. **Responsibility.** The mentor is not responsible
38.25 for any noncompliance attributed to the work of the apprentice.
38.26 The licensed SSTS business is responsible if the mentor and
38.27 apprentice are working as employees or on behalf of the same
39.1 licensed SSTS business.

39.2 7083.2010 ADMINISTRATION OF CERTIFICATION AND APPRENTICE PROGRAM.

39.3 Subpart 1. **Application; issuance.** An individual meeting
39.4 the qualifications in part 7083.1080, subpart 1, or 7083.1090,
39.5 subpart 1, is eligible to apply for certification or apprentice
39.6 designation on a form provided by the commissioner. The
39.7 commissioner requires 60 days for review of the application. A
39.8 complete application consists of documentation of training and
39.9 experience or the experience gaining method meeting the
39.10 requirements under part 7083.1050, subpart 2. A certification
39.11 or apprentice applicant ~~may~~ is not allowed to fulfill the duties
39.12 and responsibilities of a certified or apprentice individual
39.13 until designated as such in writing by the commissioner.

39.14 Subp. 2. **Approval of certification or apprentice**
39.15 **designation.** Upon the commissioner's approval of the
39.16 certification or apprentice application, the commissioner shall
39.17 issue a number and verification of the individual's status.

39.18 Subp. 3. **Certification and apprenticeship period.**
39.19 Certifications or apprenticeships issued by the commissioner are
39.20 valid for three years.

39.21 Subp. 4. **Renewal.** Every three years, the certified
39.22 individual or apprentice shall submit an application for renewal
39.23 on forms provided by the commissioner no later than 60 days
39.24 prior to the expiration date. The renewal application must be
39.25 accompanied by documentation of continuing education under part
39.26 7083.1060.

39.27 Subp. 5. **Denial of application.** ~~If the commissioner may~~
40.1 ~~deny an application or renewal application for a certification~~
40.2 ~~or apprentice based on~~ finds evidence of actions listed under
40.3 part 7083.2020, the commissioner is allowed to deny an
40.4 application or renewal application for a certification or
40.5 apprentice. Notice of the pending denial must be served on the
40.6 applicant by mail. Any pending denial based on part 7083.2020
40.7 shall not be issued before an opportunity is provided for a
40.8 contested case hearing complying with Minnesota Statutes,
40.9 chapter 14.

40.10 Subp. 6. **Restrictions; conditions.** The commissioner ~~may~~
40.11 is allowed to add performance restrictions and training
40.12 conditions to an individual certification or apprentice
40.13 designation at any time to address unusual work situations or
40.14 experience requirements, to take enforcement action under part
40.15 7083.2020, or to limit the scope of responsibilities under parts
40.16 7083.0710 to 7083.0800, for an individual. Notice of the
40.17 pending restriction must be served on the applicant by mail.
40.18 Any pending restriction shall not be issued before an
40.19 opportunity is provided for a contested case hearing complying
40.20 with Minnesota Statutes, chapter 14.

40.21 7083.2020 ENFORCEMENT ACTION.

40.22 Subpart 1. **SSTS business licenses.** The commissioner ~~may~~
40.23 is authorized to deny, suspend, restrict, revoke, place
40.24 corrective action, fine, raise bond amounts, or institute other
40.25 sanctions against an SSTS business license for any of the
40.26 following reasons:

40.27 A. failure to meet the requirements for a license;

41.1 B. failure to comply with applicable requirements;

41.2 C. submission of false or misleading information or
41.3 credentials in order to obtain or renew a license;

41.4 D. failure to provide adequate supervision to
41.5 noncertified employees;

41.6 E. incompetence, negligence, fraud, illegal activity,
41.7 or inappropriate conduct in the performance of the duties
41.8 authorized under the license;

41.9 F. failure to report the number of sewage tanks
41.10 installed and pay tank fees as prescribed in Minnesota Statutes,
41.11 section 115.551; or

41.12 G. failure to comply with applicable soil dispute
41.13 resolution requirements.

41.14 Subp. 2. **Certification and apprenticeship.** If the

41.15 commissioner may find any of the following faults, the

41.16 commissioner is authorized to deny, suspend, restrict, revoke,

41.17 place corrective action, fine, or institute other sanctions

41.18 against a certification or apprenticeship designation ~~for any of the~~

41.19 following reasons:

41.20 A. failure to meet the certification or
41.21 apprenticeship requirements;

41.22 B. failure to comply with applicable requirements;

41.23 C. submission of false or misleading information or
41.24 credentials in order to obtain or renew a certification or
41.25 apprenticeship designation;

41.26 D. incompetence, negligence, fraud, illegal activity,
41.27 conflict of interest, or inappropriate conduct in the

42.1 performance of the duties authorized under the certification or
42.2 apprenticeship; or

42.3 E. failure to comply with applicable soil dispute
42.4 resolution requirements.

42.5 Subp. 3. **Complaints.**

42.6 A. Upon receiving a signed written complaint that

42.7 alleges the existence of grounds for enforcement action against

42.8 a licensed SSTS business or a certified or apprenticed

42.9 individual under subpart 1 or 2, the commissioner shall initiate

42.10 an investigation.

42.11 B. The complaint must contain the name, address, and

42.12 telephone number of the complainant; the name of the alleged

42.13 violators; the alleged violations, dates, and locations; and any

42.14 other pertinent information to demonstrate the validity of the

42.15 complaint.

42.16 C. The commissioner shall evaluate the results of the

42.17 investigation and consider expert advice as needed in order to

42.18 determine whether enforcement actions are necessary. ~~The~~

42.19 commissioner may convene and enlist expert advice from a

42.20 technical advisory committee.

42.21 D. Enforcement actions shall not be taken before

42.22 written notice is given to the licensee or individual and an
42.23 opportunity is provided for a contested case hearing complying
42.24 with Minnesota Statutes, chapter 14.

42.25 Subp. 4. **Enforcement action.** If the commissioner finds
42.26 that enforcement action is necessary, the actions described in
42.27 items A to C must be taken.

43.1 A. A written notice must be sent by certified mail to
43.2 the licensee, certified individual, or apprentice. The written
43.3 notice must contain, as applicable, the effective date of the
43.4 enforcement action, the nature of the violation constituting the
43.5 basis for the enforcement action, the facts that support the
43.6 conclusion that a violation has occurred, specific actions
43.7 necessary to fulfill the terms of the notice, and a statement
43.8 that a licensee, certified individual, or apprentice who desires
43.9 a contested case hearing must, within ten calendar days,
43.10 exclusive of the day of service, file a written request with the
43.11 commissioner.

43.12 B. If a hearing is requested, the enforcement action
43.13 is stayed pending the outcome of the hearing. If the licensee,
43.14 certified individual, or apprentice does not request a hearing,
43.15 the business or individual forfeits any opportunity for a
43.16 hearing.

43.17 C. A licensee, certified individual, or apprentice
43.18 whose license, certification, or apprenticeship has been revoked
43.19 is not entitled to apply for a license, certification, or
43.20 apprenticeship for one year following the effective date of
43.21 revocation or for any longer period of time specified in the
43.22 revocation notice. A licensee, certified individual, or
43.23 apprentice with a revoked or suspended license, certification,
43.24 or apprenticeship shall return the license, certification, or
43.25 apprentice identification card to the commissioner.

43.26 Subp. 5. **Enforcement; general.** General agency enforcement
43.27 authority under Minnesota Statutes, sections 115.03, 115.071,
44.1 115.072, 115.56, 116.072, and 116.073, is also available for
44.2 enforcement actions under this part.

44.3 Subp. 6. **Nonlicensed violations.** The commissioner ~~may~~
44.4 shall fine, or impose other sanctions, for those implying or
44.5 advertising to be a certified individual, apprentice, or
44.6 licensed business or conducting SSTS activities without the
44.7 required certification, apprenticeship, or license.

44.8 7083.2030 MINNESOTA POLLUTION CONTROL AGENCY SURETY BOND FORM.
44.9 Bond No. _____

44.11 MINNESOTA POLLUTION CONTROL AGENCY
44.12 SUBSURFACE SEWAGE TREATMENT SYSTEM (SSTS)
44.13 SURETY BOND

44.14 KNOW ALL PERSONS BY THESE PRESENTS:

44.15 THAT _____
44.16 (Name of Licensee)

44.18 doing business as at

44.20 _____, Minnesota, as Principal, and
44.21 (Address)

44.23 _____, a corporation authorized
44.24 (Name of Surety)

44.26 to do surety business in the State of Minnesota, as Surety, are
44.27 hereby held and firmly bound to the Commissioner of the
44.28 Minnesota Pollution Control Agency-State of Minnesota and any
44.29 persons aggrieved by reason of the Principal's failure to
44.30 faithfully perform the duties, and in all things comply with all
44.31 laws, ordinances, and rules, pertaining to the Principal's
44.32 license or any permit applied for and all contracts entered
44.33 into, in the sum of ____ THOUSAND DOLLARS (\$_____). For the
45.1 payment of this sum, Principal and Surety bind themselves, their
45.2 heirs, representatives, successors and assigns, jointly and
45.3 firmly by these presents.

45.4 THE CONDITION of the above obligation is such, that WHEREAS
45.5 the said Principal is making application with the Minnesota
45.6 Pollution Control Agency to be licensed as, or has been licensed
45.7 as, a subsurface sewage treatment system business:

45.8
45.9 (specific licenses).

45.10 NOW THEREFORE, if said Principal shall faithfully and
45.11 lawfully perform the duties, and in all things comply with the
45.12 laws and ordinances, including all amendments thereto,
45.13 appertaining to the license or permit applied for, then this
45.14 obligation shall be void; otherwise to remain in full force and
45.15 effect.

45.16 The aggregate liability of the Surety, regardless of the
45.17 number of claims made against the bond or the number of years
45.18 the bond remains in force, shall in no event exceed the amount
45.19 set forth above. Any revision of the bond amount shall not be
45.20 cumulative. This bond may be canceled by the Surety as to
45.21 future liability by giving written notice to the Minnesota
45.22 Pollution Control Agency, stating the date of cancellation,
45.23 which in no event shall be less than thirty (30) days after the
45.24 mailing of said notice; however, the Surety shall remain liable
45.25 for any and all acts of the Principal covered by this bond up to
45.26 the date of cancellation.

45.27 PROVIDED, it is the intention of the parties that this bond
46.1 be continuous. This bond may be canceled at any time upon
46.2 giving the said Principal and the Minnesota Pollution Control
46.3 Agency 30 days written notice, said notice to be served by
46.4 certified mail, whereupon, except as to any liabilities or
46.5 indebtedness incurred prior to the termination of this said 30
46.6 days notice, the liability of the Surety under this bond shall
46.7 cease. The Surety shall notify the Principal and the Minnesota
46.8 Pollution Control Agency if payment on the bond has been made
46.9 which results in the value of the bond falling below the legal
46.10 requirement.

46.11 By their signatures below, the parties certify that the
46.12 wording of this surety bond is identical to the wording
46.13 specified in Minnesota Rules, part 7083.2030, as the rules were
46.14 constituted on the date the parties executed the bond.

46.15 Signed this _____ day of _____, ____.

46.16 Signed, sealed and delivered in the presence of:

46.17 _____
46.18 (Witness as to Principal) (Licensee name)

46.20 _____
46.21 (Signature)

46.23 _____
46.24 (Witness as to Surety) (Name of Surety Company)

46.26 _____ By _____
46.27 (Attorney-in-Fact)

46.29 INDIVIDUAL OR PARTNERSHIP ACKNOWLEDGMENT

46.30 STATE OF _____)

46.31 COUNTY OF _____)

46.33 On the _____ day of _____, 20 _____, before
46.34 me, a Notary Public within and for said county, personally
46.35 appeared, _____ to me known to be the
46.36 person(s) described in and who executed the foregoing
46.37 instrument, as Principal(s), and acknowledged to me that _____
47.1 s/he executed the same as her/his free act and deed.

47.3 _____

47.5 Notary Public, _____

47.7 County, _____

47.9 My Commission Expires _____

47.11 (Notarial Seal)

47.13 CORPORATE ACKNOWLEDGMENT

47.14 STATE OF _____)

47.15 COUNTY OF _____)

47.17 On the _____ day of _____, 20 _____,
47.18 before me personally appeared, _____
47.19 to me, who being duly sworn, did depose and say: that s/he
47.20 resides in _____ the s/he is the _____
47.21 _____ President of the _____
47.22 _____ the corporation
47.23 described in and which executed the foregoing instrument; that
47.24 s/he knows the seal of said corporation; that the seal affixed
47.25 to said instrument is such corporate seal; that it was so
47.26 affixed by order of the board of directors of said corporation;
47.27 and that s/he signed her/his name thereto by like order.

47.29 _____

47.31 Notary Public, _____

47.33 County, _____

47.35 My Commission Expires _____

47.37 (Notarial Seal)

47.39 ACKNOWLEDGMENT OF CORPORATE SURETY

47.40 STATE OF _____)

47.41 COUNTY OF _____)

47.43 On the _____ day of _____, 20 ____ before me
47.44 personally appeared, _____ to me
47.45 known, who being duly sworn, did say: that s/he resides in
47.46 _____ the s/he is the aforesaid officer or
47.47 attorney in fact of _____ a
47.48 corporation; that the seal affixed to the foregoing instrument
47.49 is the corporate seal of said corporation; and that said
47.50 instrument as signed and sealed in behalf of said corporation by
48.1 the aforesaid officer, by authority of its board of directors;
48.2 and the aforesaid officer acknowledged said instrument to be the
48.3 free act and deed of said corporation.

48.5 _____

48.7 Notary Public, _____

48.9 County, _____

48.11 My Commission Expires _____

48.13 (Notarial Seal)

48.15 ***SURETY COMPANY POWER OF ATTORNEY MUST BE ATTACHED***
48.16 7083.2040 TRANSITIONING EXISTING REGISTRATIONS AND LICENSES.
48.17 Subpart 1. **Designers.** A business licensed, and an
48.18 individual registered, as a designer I or designer II on the
48.19 effective date of this chapter are reclassified as basic
48.20 designers. A business reclassified as a basic designer under
48.21 this chapter ~~may is authorized to design all types of ISTS and~~
48.22 ~~MSTS and sizes of SSTS~~ until three years after the effective
48.23 date of this chapter. After that time, a business designing a
48.24 ~~Type IV or Type V ISTS or MSTS systems described under part~~
48.25 7083.0740, subpart 1, item B, must meet the requirements of this
48.26 chapter.

48.27 Subp. 2. **Inspectors.** A business licensed, and an
48.28 individual registered, as a designer I or inspector on the
48.29 effective date of this chapter are reclassified as basic
48.30 inspectors. A business or individual reclassified as an
48.31 inspector under this chapter ~~may is authorized to inspect all~~
48.32 ~~types of ISTS and MSTS and administer local programs~~ SSTS until
48.33 three years after the effective date of this chapter. After
49.1 that time, the business or government employee inspecting a ~~Type~~
49.2 ~~IV or Type V ISTS or MSTS, or administering an SSTS regulatory~~
49.3 ~~program~~ systems described under part 7083.0740, subpart 1, item

49.4 B, must meet the requirements of this chapter.

49.5 Subp. 3. **Maintainers.** A business licensed, and an
49.6 individual registered, as a pumper on the effective date of this
49.7 chapter is reclassified as a maintainer under this chapter.

49.8 Subp. 4. **Service provider.** To gain a service provider
49.9 license or certification, a business or individual must meet the
49.10 requirements of this chapter. A business or individual
49.11 providing management services before the effective date of this
49.12 chapter ~~may~~ is authorized to operate an SSTS until three years
49.13 after the effective date of this chapter, without a service
49.14 provider license. Three years after the effective date of this
49.15 chapter, businesses and individuals providing SSTS management
49.16 services must meet the requirements of this chapter.

49.17 Subp. 5. **Basic and continuing education.** Designer I's or
49.18 designer II's on the effective date of this chapter who take
49.19 training to upgrade to an advanced designer ~~or MSTS designer~~
49.20 within three years after the effective date of this chapter ~~may~~
49.21 shall have their training hours credited as fulfilling the
49.22 continuing education hours specified in part 7083.1060.

49.23 Designer I's or inspectors on the effective date of this chapter
49.24 who take training to upgrade to an ~~MSTS~~ advanced inspector
49.25 within three years after the effective date of this chapter ~~may~~
49.26 shall have their training hours credited as fulfilling the
49.27 continuing education hours specified in part 7083.1060.

50.1 7083.4000 PRODUCT REVIEW AND REGISTRATION PROCESS.

50.2 Subpart 1. General.

50.3 A. The commissioner shall develop a product review
50.4 and registration process and maintain a list of registered
50.5 sewage treatment and distribution products for SSTS.

50.6 B. The commissioner shall develop recommended
50.7 standards and guidance to assist local units of government in
50.8 permitting different types of sewage treatment technologies and
50.9 sewage distribution technologies, including the following five
50.10 categories:

50.11 (1) public domain treatment technologies, such as
50.12 sand filters;

50.13 (2) proprietary treatment technologies, such as
50.14 manufactured aerobic treatment systems;

50.15 (3) public domain distribution technologies, such
50.16 as drainfield rock or generic drainfield rock substitutes;

50.17 (4) proprietary distribution technologies, such
50.18 as gravelless distribution products; and

50.19 (5) proprietary drip dispersal systems.

50.20 C. Sewage technologies shall have standards described
50.21 in this chapter or agency recommended standards and guidance
50.22 before local units of government are allowed to permit them.
50.23 Recommended standards and guidance must include information and
50.24 detail, such as application, design, installation, operation,
50.25 monitoring and maintenance, and performance expectations, and
50.26 sources of the information.

50.27 Subp. 2. Proprietary treatment products; certification and
51.1 registration.

51.2 A. To qualify for product registration, manufacturers
51.3 desiring to sell or distribute proprietary treatment products

51.4 shall:

51.5 (1) verify product performance through testing

51.6 using the testing protocol established in Table I in part

51.7 7083.4010 and register their product with the commissioner using

51.8 the process described in parts 7083.4000 to 7083.4120;

51.9 (2) report test results of influent and effluent

51.10 sampling obtained throughout the testing period, including

51.11 normal and stress loading phases, for evaluation of constituent

51.12 reduction according to Table II in part 7083.4020;

51.13 (3) demonstrate product performance according to

51.14 Table III in part 7083.4030. All 30-day averages and geometric

51.15 means obtained throughout the test period must meet the

51.16 identified threshold values to qualify for registration at that

51.17 threshold level; and

51.18 (4) verify bacteriological reduction according to

51.19 part 7083.4060, for registration at Levels A and B in Table III

51.20 in part 7083.4030.

51.21 B. Manufacturers verifying product performance

51.22 through testing according to the following standards or

51.23 protocols shall have product testing conducted by a qualified,

51.24 third-party testing facility. Product performance testing shall

51.25 be consistent with the following:

51.26 (1) National Sanitation Foundation (NSF)

51.27 International, Residential Wastewater Treatment Systems,

52.1 Standard 40 (July 2000). The standard is incorporated by

52.2 reference, is available through the Minitex interlibrary loan

52.3 system, and is not subject to frequent change;

52.4 (2) National Sanitation Foundation (NSF)

52.5 International, Wastewater Treatment Systems - Nitrogen

52.6 Reduction, Standard 245 (2007). The standard is incorporated by

52.7 reference, is available through the Minitex interlibrary loan

52.8 system, and is not subject to frequent change;

52.9 (3) Environmental Protection Agency (EPA) and

52.10 National Sanitation Foundation (NSF), Protocol for the

52.11 Verification of Wastewater Treatment Technologies (April 2001).

52.12 The protocol is incorporated by reference, is available through

52.13 the Minitex interlibrary loan system, and is not subject to

52.14 frequent change;

52.15 (4) Environmental Protection Agency (EPA)

52.16 Environmental Technology Verification (ETV) Program, Protocol

52.17 for the Verification of Residential Wastewater Treatment

52.18 Technologies for Nutrient Reduction (November 2000). The

52.19 protocol is incorporated by reference, is available through the

52.20 Minitex interlibrary loan system, and is not subject to frequent

52.21 change;

52.22 (5) European Committee for Standardization (CEN),

52.23 Small Wastewater Treatment Systems for up to 50 PT - Part 3:

52.24 Packaged and/or Site Assembled Domestic Wastewater Treatment

52.25 Plants, EN 12566-3 (October 2003). The standard is incorporated

52.26 by reference, is available through the Minitex interlibrary loan

52.27 system, and is not subject to frequent change;

53.1 (6) other equivalent protocols and standards

53.2 consistent with the above-referenced standards and protocol to

53.3 verify product performance as approved by the commissioner; and

53.4 (7) protocol for bacteriological reduction
 53.5 described in part 7083.4060.
 53.6 C. Treatment levels used in part 7083.4030 are not
 53.7 intended to be applied as field compliance standards. Their
 53.8 intended use is to establish treatment product performance in a
 53.9 product testing setting under established protocols by qualified
 53.10 testing entities.
 53.11 7083.4010 TESTING REQUIREMENTS FOR PROPRIETARY TREATMENT
 53.12 PRODUCTS.

53.13 The testing protocols in this part are incorporated by
 53.14 reference under part 7083.4000, subpart 2, item B.

53.15 TABLE I

<u>Treatment component/ sequence category</u>	<u>Required testing protocol</u>
53.19 <u>Category A: Designed to treat</u> 53.20 <u>sewage with strength typical</u> 53.21 <u>of a residential source</u> 53.22 <u>when septic tank effluent</u> 53.23 <u>is anticipated to be equal</u> 53.24 <u>to or less than treatment</u> 53.25 <u>Level C (Table III,</u> 53.26 <u>part 7083.4030)</u>	<u>NSF Residential Wastewater</u> <u>Treatment Systems,</u> <u>Standard 40, or CEN European</u> <u>Standard, EN-12566-3</u>
53.28 <u>Category B: Designed to treat</u> 53.29 <u>high-strength sewage when</u> 53.30 <u>septic tank effluent is</u> 53.31 <u>anticipated to be greater than</u> 53.32 <u>treatment Level C (Table III,</u> 53.33 <u>part 7083.4030), including</u> 53.34 <u>restaurants, grocery stores,</u> 53.35 <u>mini-marts, group homes, medical</u> 53.36 <u>clinics, residences, etc.</u>	<u>EPA/NSF Protocol for the</u> <u>Verification of Wastewater</u> <u>Treatment Technologies,</u> <u>EPA/ETV Protocol for the</u> <u>Verification of Residential</u> <u>Wastewater Treatment</u> <u>Technologies for</u> <u>Nutrient Reduction, or</u> <u>equivalent</u>
53.38 <u>Total nitrogen and</u> 54.1 <u>phosphorus reduction in</u> 54.2 <u>Categories A and B</u>	<u>EPA Environmental Technology</u> <u>Verification, Protocol for the</u> <u>Verification of Residential</u> <u>Wastewater Treatment</u> <u>Technologies for Nutrient</u> <u>Reduction, or equivalent or</u> <u>NSF Wastewater Treatment</u> <u>Systems - Nitrogen Reduction,</u> <u>Standard 245</u>

54.10 7083.4020 TEST RESULTS REPORTING REQUIREMENTS FOR PROPRIETARY
 54.11 TREATMENT PRODUCTS.

54.12 TABLE II

<u>Treatment component/ sequence category</u>	<u>Testing results reported</u>
54.16 <u>Category A: Designed to treat</u> 54.17 <u>sewage with strength typical</u> 54.18 <u>of a residential source</u> 54.19 <u>when septic tank effluent</u>	<u>Report test results for</u> <u>influent and effluent sampling</u> <u>obtained throughout the</u> <u>testing period for evaluation</u>

54.20	<u>is anticipated to be equal</u>	<u>of consistent reduction for</u>
54.21	<u>to or less than treatment</u>	<u>the parameters CBOD₅ and TSS:</u>
54.22	<u>Level C (Table III,</u>	<u>- Average</u>
54.23	<u>part 7083.4030)</u>	
54.24		<u>- Minimum</u>
54.25		<u>- Median</u>
54.26		<u>- 30-day average (each month)</u>
54.27		<u>- Standard deviation</u>
54.28		<u>- Maximum</u>
54.29		<u>- Interquartile range.</u>
54.31		<u>For bacteriological reduction</u>
54.32		<u>performance, report fecal</u>
54.33		<u>coliform test results of</u>
54.34		<u>influent and effluent sampling</u>
54.35		<u>by geometric mean from</u>
54.36		<u>samples drawn within 30-day or</u>
54.37		<u>monthly calendar periods,</u>
54.38		<u>obtained from a minimum of</u>
54.39		<u>three samples per week</u>
54.40		<u>throughout the testing period.</u>
54.41		<u>See part 7083.4060.</u>
54.42		<u>Test report must also include</u>
54.43		<u>the individual results of all</u>
54.44		<u>samples drawn throughout the</u>
54.45		<u>test period.</u>
54.47	<u>Category B: Designed to treat</u>	<u>Report all individual test</u>
54.48	<u>high-strength sewage when</u>	<u>results and full test average</u>
54.49	<u>septic tank effluent is</u>	<u>values of influent and effluent</u>
54.50	<u>anticipated to be greater than</u>	<u>sampling obtained throughout</u>
55.1	<u>treatment Level C (Table III,</u>	<u>the testing period for</u>
55.2	<u>part 7083.4030), including</u>	<u>CBOD₅, TSS, and oil</u>
55.3	<u>restaurants, grocery stores,</u>	<u>and grease.</u>
55.4	<u>mini-marts, group homes,</u>	<u>Report the treatment capacity</u>
55.5	<u>medical clinics,</u>	<u>of the product tested in</u>
55.6	<u>residences, etc.</u>	<u>pounds per day for CBOD₅.</u>
55.7	-----	-----
55.8	<u>Total nitrogen and</u>	<u>Report test results on all</u>
55.9	<u>phosphorus reduction in</u>	<u>required performance criteria</u>
55.10	<u>Categories A and B</u>	<u>according to the format</u>
55.11		<u>prescribed in the test protocol</u>
55.12		<u>described in Table I,</u>
55.13		<u>part 7083.4010.</u>
55.15	<u>7083.4030</u>	<u>PRODUCT PERFORMANCE REQUIREMENTS FOR PROPRIETARY</u>
55.16	<u>TREATMENT PRODUCTS.</u>	
55.17		<u>TABLE III</u>
55.18	<u>Treatment</u>	
55.19	<u>component/</u>	
55.20	<u>sequence category</u>	<u>Product performance requirements</u>
55.21	-----	-----
55.22	<u>Category A:</u>	<u>Treatment system performance testing levels</u>
55.23	<u>Designed to treat</u>	

55.24 sewage with 55.25 strength typical of a residential	Level (mg/L)	Parameters				Nutrient	55.26
		CBOD ₅ (mg/L)	TSS (mg/L)	O&G (#/100ml)	FC (mg/L)		
55.27 source when septic	A	15	15	--	1,000	--	
55.28 tank effluent is	B	25	30	--	10,000	--	
55.29 anticipated to be							
55.30 equal to or less	C	125	80	20	--	--	
55.31 than treatment	TN	--	--	--	--	20	
55.32 Level C.	TP	--	--	--	--	2	

55.33
55.34 Values for Levels A and B are 30-day
55.35 values (averages for CBOD₅, TSS, and
55.36 geometric mean for FC). All 30-day
55.37 averages throughout the test period
55.38 must meet these values in order to be
55.39 registered at these levels. Values
55.40 for Levels C, TN, and TP are derived
55.41 from full test averages.
55.42

55.43 Category B: All of the following requirements must be
55.44 Designed to treat met:
55.45 high-strength (1) all full test averages must meet
55.46 sewage when septic Level C; and
55.47 tank effluent is (2) the treatment capacity of the
55.48 anticipated to be product tested in pounds per day for CBOD₅
55.49 greater than treat- must be reported.
55.50 ment Level C,
56.1 including
56.2 restaurants,
56.3 grocery stores,
56.4 mini-marts, group
56.5 homes, medical
56.6 clinics,
56.7 residences, etc.

56.8 -----
56.9 Total nitrogen and Test results must establish product
56.10 phosphorus performance effluent quality meeting Levels
56.11 reduction in TN and TP, when presented as the full test
56.12 Categories A and B average.

56.14 7083.4040 PROPRIETARY TREATMENT PRODUCTS REGISTRATION; PROCESS
56.15 AND REQUIREMENTS.

56.16 A. Manufacturers shall register their proprietary
56.17 treatment products with the commissioner by submitting a
56.18 complete application in the format prescribed by the
56.19 commissioner, including:
56.20 (1) the manufacturer's name, mailing address,
56.21 street address, and telephone number;
56.22 (2) the contact individual's name, title, mailing
56.23 address, street address, and telephone number. The contact
56.24 individual must be a company official with the authority to
56.25 represent the manufacturer in this capacity;
56.26 (3) the name, including specific brand and model,
56.27 of the proprietary treatment product;

56.28 (4) a description of the function of the
56.29 proprietary treatment product along with any known limitation of
56.30 the use of the product;
56.31 (5) product description and technical
56.32 information, including process flow drawings and schematics,
56.33 materials and characteristics, component design specifications,
57.1 design capacity, volumes and flow assumptions and calculations,
57.2 components, dimensioned drawings, and photos;
57.3 (6) for treatment systems in Category B, daily
57.4 capacity of the model or models provided in pounds per day of
57.5 CBOD₅;
57.6 (7) siting and installation requirements;
57.7 (8) a detailed description, procedure, and
57.8 schedule of routine service and system maintenance events;
57.9 (9) estimated operational costs for the first
57.10 five years of the treatment component's life including estimated
57.11 annual electricity usage and routine maintenance costs,
57.12 including replacement of parts;
57.13 (10) identification of information requested to
57.14 be protected from disclosure of trade secrets or confidential
57.15 business information;
57.16 (11) copies of product brochures and manuals,
57.17 such as sales, promotional, design, installation, operation, and
57.18 maintenance materials and homeowner instructions;
57.19 (12) the most recently available product test
57.20 protocol and results report;
57.21 (13) all available product testing results,
57.22 including a listing of state approvals and denials;
57.23 (14) a signed and dated certification by the
57.24 manufacturer's authorized senior executive or authorized agent
57.25 specifically including the following statement: "I certify that
57.26 I represent (INSERT MANUFACTURING COMPANY HERE) and I am
57.27 authorized to prepare or direct the preparation of this
58.1 application for registration. I attest, under penalty of law,
58.2 that this document and all attachments are true, accurate, and
58.3 complete. I understand and accept that the product testing
58.4 results reported in this application for registration are the
58.5 parameters and values to be used for determining conformance
58.6 with treatment system performance testing levels established in
58.7 Minnesota Rules, part 7083.4030.";
58.8 (15) a signed and dated certification from the
58.9 testing entity including the statement: "I certify that I
58.10 represent (INSERT TESTING ENTITY NAME) and I am authorized to
58.11 report the testing results for this proprietary product. I
58.12 attest, under penalty of law, that the report about the test
58.13 protocol and results is true, accurate, and complete."; and
58.14 (16) a technology review fee if allowed by law.
58.15 B. Manufacturers shall submit each proprietary
58.16 product for registration to the commissioner. Products within a
58.17 single series or model line, sharing distinct similarities in
58.18 design, materials, and capabilities, are allowed to be
58.19 registered under a single application, consistent with their
58.20 test protocols for the certification of other products within a
58.21 product series. Products outside of the series or model line

58.22 must be registered under separate applications.
58.23 C. Upon receipt of the application, the commissioner
58.24 shall, within 60 days:
58.25 (1) review the application and verify the
58.26 application for compliance with item A;
58.27 (2) if the application is not in compliance with
59.1 item A, return the application for resubmittal with the
59.2 requested information for full compliance with item A; and
59.3 (3) if the application is complete and the
59.4 commissioner determines that the product meets or exceeds all
59.5 applicable protocols, the commissioner shall place the product
59.6 on the list of registered treatment devices. The list of
59.7 registered treatment devices shall be maintained on the agency
59.8 Web site.
59.9 D. Registrations are valid for up to three years,
59.10 expiring on December 31 of the third year of registration,
59.11 unless the product is recalled for any reason, found to be
59.12 defective, or no longer available.
59.13 E. To renew technology registration, a manufacturer
59.14 shall:
59.15 (1) submit a request for renewal of product
59.16 registration at least 30 days before the current registration
59.17 expires, using the form or in the format prescribed by the
59.18 commissioner;
59.19 (2) submit the results of retesting if the
59.20 product has completed retesting according to the protocol
59.21 required for registration and a report from the testing entity
59.22 has been issued since initial registration or previous renewal.
59.23 Renewal must be based on the most recent test results; and
59.24 (3) provide an affidavit to the commissioner
59.25 certifying whether the product has changed over the previous
59.26 three years. If the product has changed, the affidavit must
59.27 include a full description of the changes and how the changed
60.1 product fulfills the requirements for initial registration.
60.2 F. As part of the product registration renewal, the
60.3 commissioner shall:
60.4 (1) request field assessment comments from local
60.5 units of government no later than October 31 for product
60.6 renewal;
60.7 (2) discuss with the Technical Advisory Panel of
60.8 the advisory committee established under part 7083.6000 any
60.9 field assessment information that impacts product registration
60.10 renewal;
60.11 (3) notify the manufacturer of any product to be
60.12 discussed with the Technical Advisory Panel, prior to discussion
60.13 with the Technical Advisory Panel, regarding the nature of
60.14 comments received; and
60.15 (4) renew, modify, or deny the product
60.16 registration, based on information received during the renewal
60.17 process.
60.18 G. The commissioner shall maintain a readily
60.19 available list of proprietary treatment products meeting the
60.20 registration requirements established in this chapter. The
60.21 product registration is a condition of approval for use.

60.22 H. A manufacturer shall have readily accessible
60.23 information, specific to a product's registered use in
60.24 Minnesota, for designers, regulators, system owners, and other
60.25 interested parties about the product, including but not limited
60.26 to:

60.27 (1) a product manual;
61.1 (2) design instructions;
61.2 (3) installation instructions;
61.3 (4) information regarding operation and
61.4 maintenance;

61.5 (5) homeowner instructions; and
61.6 (6) a list of representatives and

61.7 manufacturer-certified service providers, if any.

61.8 7083.4050 TRANSITION FROM PREVIOUS REQUIREMENTS FOR AEROBIC TANK
61.9 TREATMENT SYSTEMS AND OTHER TREATMENT SYSTEMS TO NEW REGISTERED
61.10 LIST.

61.11 Except for Type V systems designated under part 7080.2400,
61.12 as published in the State Register, volume 31, page 1061, and as
61.13 subsequently adopted, the following conditions apply:

61.14 A. the installation of aerobic tank treatment systems
61.15 as specified in Minnesota Rules 2005, chapter 7080, and other
61.16 advanced treatment technologies is allowed for 24 months after
61.17 the effective date of this chapter;

61.18 B. after 24 months after the effective date of this
61.19 chapter, only those products registered under this chapter are
61.20 allowed to be installed as directed in registration guidance
61.21 documents;

61.22 C. to be registered, manufacturers of aerobic tank
61.23 treatment systems shall apply for product registration. Aerobic
61.24 tank treatment systems must meet all other requirements
61.25 established in this chapter for registration; and

61.26 D. manufacturers of aerobic tank treatment system
61.27 products shall meet all other requirements established in this
62.1 chapter for product registration.

62.2 7083.4060 BACTERIOLOGICAL REDUCTION.

62.3 Subpart 1. **Scope.** This part establishes the requirements
62.4 for registering bacteriological reduction processes.

62.5 Subp. 2. **Verification.** Manufacturers shall, for the
62.6 purpose of product registration as described in parts 7083.4000
62.7 to 7083.4040 for meeting treatment Level A or B, verify
62.8 bacteriological reduction performance by sampling and testing
62.9 for fecal coliform.

62.10 Subp. 3. **Testing process.** All test data submitted for
62.11 product registration must be produced by a qualified,
62.12 third-party testing organization. Bacteriological reduction
62.13 performance requirements must be determined while the treatment
62.14 product or sequence is tested according to the NSF Standard 40
62.15 testing protocol, or other equivalent commissioner-approved
62.16 testing protocol. The tester must:

62.17 A. collect samples from both the influent and
62.18 effluent streams and identify the treatment performance achieved
62.19 by the full treatment process, component, or sequence;

62.20 B. obtain influent characteristics within the range
62.21 of 10^6 - 10^8 fecal coliform/100 mL calculated as 30-day

62.22 geometric means during the test;
62.23 C. test the influent to any disinfection unit and
62.24 report flow rate, pH, temperature, and turbidity at each
62.25 occasion of sampling performed in item D;
62.26 D. obtain samples for fecal coliform analysis during
62.27 both design loading and stress loading periods, as follows:
63.1 (1) grab samples shall be collected and analyzed
63.2 from both the influent and effluent on three separate days of
63.3 the week; and
63.4 (2) each set of influent and effluent grab
63.5 samples must be taken from a different dosing time frame
63.6 (morning, afternoon, or evening) so that samples have been taken
63.7 from each dosing time frame by the end of the week;
63.8 E. conduct analyses for fecal coliform according to
63.9 Standard Methods for the Examination of Water and Wastewater,
63.10 prepared and published jointly by the American Public Health
63.11 Association, American Water Works Association, and Water
63.12 Environment Federation (1998). The standard methods are
63.13 incorporated by reference, are available through the Minitex
63.14 interlibrary loan system, and are subject to frequent change;
63.15 F. report the geometric mean of fecal coliform test
63.16 results from all samples taken within 30-day or monthly calendar
63.17 periods;
63.18 G. report the individual results of all samples taken
63.19 throughout the test period for design loading and stress
63.20 loading; and
63.21 H. report all maintenance and servicing conducted
63.22 during the testing period, such as instances of cleaning an
63.23 ultraviolet lamp or replenishment of chlorine chemicals.
63.24 Subp. 4. **Disinfection.** Manufacturers are allowed to
63.25 register products that either:
63.26 A. use disinfection in treatment Levels A and B; or
63.27 B. use disinfection as a component of the process in
64.1 treatment Level A or B.
64.2 7083.4070 DISTRIBUTION MEDIUM; CERTIFICATION AND REGISTRATION.
64.3 A. Drainfield rock distribution media shall meet the
64.4 requirements in item D and the requirements contained in the
64.5 recommended standards and guidance for public domain
64.6 distribution products before local units of government are
64.7 allowed to permit its use.
64.8 B. For nonrock distribution media, manufacturers
64.9 shall register the distribution media, including gravelless
64.10 distribution media and subsurface drip dispersal products, with
64.11 the commissioner before the local unit of government is allowed
64.12 to permit their use.
64.13 C. Manufacturers desiring to sell distribution media
64.14 shall certify that the media meet the standards established in
64.15 this part and register the media with the commissioner using the
64.16 process in part 7083.4080.
64.17 D. Distribution media must:
64.18 (1) be constructed or manufactured from materials
64.19 that are nondecaying and nondeteriorating and do not leach
64.20 unacceptable chemicals when exposed to sewage and the subsurface
64.21 soil environment;

64.22 (2) provide void space at least equal to the void
64.23 space provided within a 12-inch layer of drainfield rock in a
64.24 drainfield-rock-filled distribution system. The void space must
64.25 be established by the distribution medium, system design, and
64.26 installation. The density of the media must be maintained
64.27 throughout the life of the system. This requirement is allowed
65.1 to be met on either a lineal foot basis or on either an overall
65.2 system design basis;

65.3 (3) support the distribution pipe and provide
65.4 suitable effluent distribution and infiltration rate to the
65.5 absorption area at the soil interface; and

65.6 (4) maintain the integrity of the trench or bed.
65.7 The material used, by its nature and manufacturer-prescribed
65.8 installation procedure, must withstand the physical forces of
65.9 the soil sidewalls, soil backfill, and weight of equipment used
65.10 in the backfilling.

65.11 E. Subsurface drip dispersal products must:

65.12 (1) be warrantied by the manufacturer for use
65.13 with sewage and for resistance to root intrusion;

65.14 (2) have a means to inhibit the accumulation of
65.15 slime and bacterial growth within the drip line and plugging of
65.16 the emitters. Emitter discharge rate must be controlled by the
65.17 use of either pressure-compensating emitters or a pressure
65.18 regulator.

65.19 7083.4080 PROPRIETARY DISTRIBUTION PRODUCTS; PROCESS AND
65.20 REQUIREMENTS.

65.21 Subpart 1. **Proprietary media.** Manufacturers shall obtain
65.22 registration of their proprietary media with the commissioner by
65.23 submitting a complete application in the format prescribed by
65.24 the commissioner, including:

65.25 A. the manufacturer's name, mailing address, street
65.26 address, and telephone number;

65.27 B. the contact individual's name, title, mailing
66.1 address, street address, and telephone number. The contact
66.2 individual must be vested with the authority to represent the
66.3 manufacturer in this capacity;

66.4 C. the name, including specific brand and model, of
66.5 the proprietary distribution product;

66.6 D. a description of the function of the distribution
66.7 medium along with any known limitations on its use;

66.8 E. a description of the medium and technical
66.9 information, including schematics; materials and
66.10 characteristics; component design specifications; design
66.11 capacity; volumes and flow assumptions and calculations;
66.12 components; and dimensioned drawings, photos, application, and
66.13 use;

66.14 F. siting and installation requirements;

66.15 G. a detailed description, procedure, and schedule of
66.16 routine service and system maintenance events;

66.17 H. identification of information requested to be
66.18 protected from disclosure of trade secrets;

66.19 I. copies of product brochures and manuals, such as
66.20 sales, promotional, design, installation, operation, and
66.21 maintenance materials and homeowner instructions;

66.22 J. a quantitative description of the trench-bottom
66.23 and sidewall absorption area or sizing criteria for drip
66.24 dispersal systems for each model seeking registration.
66.25 Manufacturers' quantitative description of the absorption area
66.26 must be based on the surface area of the product that
66.27 infiltrates effluent into the soil;
67.1 K. all available product testing results, including a
67.2 listing of state approvals and denials;
67.3 L. a statement from a licensed professional engineer
67.4 that certifies the technology meets the standards established in
67.5 part 7083.4070;
67.6 M. a signed and dated certification by the
67.7 manufacturer's senior executive or agent, specifically including
67.8 the following statement: "I certify that I represent (INSERT
67.9 MANUFACTURING COMPANY HERE) and I am authorized to prepare or
67.10 direct the preparation of this application for registration. I
67.11 attest, under penalty of law, that this document and all
67.12 attachments are true, accurate, and complete.";
67.13 N. a signed and dated certification from the licensed
67.14 professional engineer including the statement: "I certify that
67.15 I represent (INSERT PROFESSIONAL ENGINEERING FIRM NAME) and that
67.16 I am authorized to certify the performance for the proprietary
67.17 distribution product presented in this application. I attest,
67.18 under penalty of law, that the technology report is true,
67.19 accurate, and complete."; and
67.20 O. a technology review fee if allowed by law.
67.21 **Subp. 2. Proprietary media products.** Manufacturers shall
67.22 submit proprietary media products for registration to the
67.23 commissioner. Products within a single series or model line
67.24 sharing distinct similarities in design, materials, and
67.25 capabilities are allowed to be registered under a single
67.26 application. Products outside of the series or model line must
67.27 be registered under separate applications.
68.1 **Subp. 3. Commissioner review.** Upon receipt of the
68.2 application, the commissioner shall:
68.3 A. review the application and verify the application
68.4 for compliance with subpart 1;
68.5 B. if the application is not in compliance with
68.6 subpart 1, return the application for resubmittal with the
68.7 requested information for full compliance with subpart 1; or
68.8 C. if the application is complete and the
68.9 commissioner determines that the product meets or exceeds all
68.10 applicable protocols, the commissioner shall place the product
68.11 on the list of distribution products. The list of registered
68.12 distribution products will be maintained on the agency Web site.
68.13 **Subp. 4. Duration of registration.** Registrations are
68.14 valid for up to three years, expiring on December 31 of the
68.15 third year of registration, unless the product is recalled for
68.16 any reason, found to be defective, or no longer available.
68.17 **Subp. 5. Renewal.** To renew a proprietary distribution
68.18 product registration, a manufacturer shall:
68.19 A. submit a request for renewal of product
68.20 registration at least 30 days before the current registration
68.21 expires, using the form or in the format prescribed by the

68.22 commissioner; and
68.23 B. provide an affidavit to the commissioner
68.24 certifying whether the product has changed over the previous
68.25 three years. If the product has changed, the affidavit must
68.26 include a full description of the changes and how the changed
68.27 product fulfills the requirements for initial registration.
69.1 Subp. 6. Commissioner review. As part of the product
69.2 registration renewal, the commissioner shall:
69.3 A. request field assessment comments from local units
69.4 of government no later than October 31 for product renewal;
69.5 B. discuss with the Technical Advisory Panel of the
69.6 advisory committee established under part 7083.6000 any field
69.7 assessment information that affects product registration
69.8 renewal;
69.9 C. notify the manufacturer of any product to be
69.10 discussed with the Technical Advisory Panel, prior to discussion
69.11 with the panel, regarding the nature of comments received; and
69.12 D. renew, modify, or deny the product registration
69.13 based on information received during the renewal process.
69.14 Subp. 7. List. The commissioner shall maintain a list of
69.15 readily available proprietary distribution products meeting the
69.16 registration requirements established in this part. The product
69.17 registration is a condition of approval for use.
69.18 Subp. 8. Manufacturer information. A manufacturer shall
69.19 have readily accessible information, specific to a product's
69.20 registered use in Minnesota, for designers, regulators, system
69.21 owners, and other interested parties about the product,
69.22 including but not limited to:
69.23 A. a product manual;
69.24 B. design instructions;
69.25 C. installation instructions;
69.26 D. information regarding operation and maintenance;
69.27 E. system owner instructions; and
70.1 F. a list of representatives and
70.2 manufacturer-certified service providers, if any.
70.3 7083.4100 TRANSITION FROM PREVIOUS REQUIREMENTS FOR DISTRIBUTION
70.4 PRODUCTS TO NEW REGISTERED LIST.
70.5 Except for Type V systems designed under part 7080.2400, as
70.6 published in the State Register, volume 31, page 1061, and as
70.7 subsequently adopted, the following conditions apply:
70.8 A. the distribution products specified in Minnesota
70.9 Rules 2005, chapter 7080, may be used 18 months after the
70.10 effective date of this chapter;
70.11 B. after 24 months after the effective date of this
70.12 chapter, only those products registered under this chapter are
70.13 allowed to be installed as directed in registration guidance
70.14 documents;
70.15 C. to be registered, manufacturers of proprietary
70.16 distribution products shall apply for product registration; and
70.17 D. distribution products shall meet all other
70.18 requirements for registration established in this chapter.
70.19 7083.4110 PRODUCT DEVELOPMENT PERMITS.
70.20 Subpart 1. Local government may issue. A local unit of
70.21 government is authorized to issue a product development permit

70.22 (PDP) for any proprietary treatment component or sequence during
70.23 the development period. A local unit of government is
70.24 authorized to grant a PDP to a Type I, Type II, or Type III
70.25 system, as described under parts 7080.2200 to 7080.2300, as
70.26 published in the State Register, volume 31, pages 1054 to 1059,
71.1 and as subsequently adopted. A local unit of government is also
71.2 authorized to grant a PDP to a Type IV system, as described
71.3 under part 7080.2350, as published in the State Register, volume
71.4 31, page 1059, and as subsequently adopted, if treatment levels
71.5 of the technologies meet or exceed requirements in the operating
71.6 permit. The PDP is not an alternative to testing and
71.7 registration.

71.8 **Subp. 2. Application contents.** An application for a PDP
71.9 must include:

71.10 A. proof of an existing conforming system in
71.11 compliance with all local requirements or a permit for a
71.12 conforming system. The conforming system must be installed in
71.13 its entirety before the PDP becomes valid;

71.14 B. a description of the product under development,
71.15 including performance goals and a description of how the system
71.16 will be used to treat sewage;

71.17 C. documentation by the manufacturer that provides
71.18 for financial assurances to protect the owner, licensed
71.19 businesses, and local units of government from claims and
71.20 provides that the manufacturer will cover the correction of any
71.21 potential public health threats or environmental damage
71.22 resulting from the use of the product under development.

71.23 Instruments of financial assurance include: an irrevocable
71.24 letter of credit in the amount required by the local unit of
71.25 government issued by an entity authorized to issue letters of
71.26 credit in Minnesota; cash or a security deposit payable to the
71.27 local unit of government in the amount required by the local
72.1 unit of government; or any other financial assurance that
72.2 satisfies the local unit of government;

72.3 D. documentation signed by the owner of the proposed
72.4 product development site allowing access to the local unit of
72.5 government and the agency and its employees or agents for
72.6 inspection of the site;

72.7 E. an agreement to obtain all other required permits;

72.8 F. a declaration that the applicant meets all state
72.9 requirements; and

72.10 G. other information required by the local unit of
72.11 government.

72.12 **Subp. 3. Additional requirements.**

72.13 A. The local unit of government is authorized to
72.14 stipulate additional requirements for a PDP necessary to ensure
72.15 the performance of the conforming system, including, but not
72.16 limited to, providing performance data to the local unit of
72.17 government.

72.18 B. The system owner shall consent in writing to allow
72.19 the manufacturer access to the system for the duration of the
72.20 permit.

72.21 C. The product tester shall agree in writing to
72.22 contact utility companies before excavation.

72.23 D. The manufacturer and product tester shall agree in
72.24 writing to hold harmless, indemnify, and defend the agency and
72.25 local unit of government from any conduct by the manufacturer or
72.26 product tester that causes harm or injury to the site owner's
72.27 property and indemnifies the agency and local unit of government
73.1 from such claims.

73.2 Subp. 4. PDP required for each site. A PDP is a
73.3 site-specific permit. Product development at multiple sites
73.4 requires a PDP for each site.

73.5 Subp. 5. Product developer has control. During the term
73.6 of the PDP, product development, testing, and sampling are under
73.7 the full control of the product developer and all data collected
73.8 is considered proprietary information.

73.9 Subp. 6. PDP duration. A PDP is valid for one year unless
73.10 renewed by the local unit of government.

73.11 Subp. 7. End of PDP period. The product development
73.12 period is over when the original PDP or any subsequently renewed
73.13 permits have expired. At that time, the product developer
73.14 shall, at the direction of the local unit of government, remove
73.15 the product under development from the site, restore the real
73.16 property to its original condition, and reestablish all
73.17 appropriate plumbing and power connections for the conforming
73.18 system.

73.19 Subp. 8. Revocation or amendment of PDP. The local unit
73.20 of government is authorized to revoke or amend a PDP:

73.21 A. if the continued operation or presence of the
73.22 product under development presents a risk to the public health
73.23 or the environment, causes adverse effects on the proper
73.24 function of the conforming system on the site, or leaks or
73.25 discharges sewage on the surface of the ground;

73.26 B. if the product developer fails to comply with any
73.27 requirement stipulated on the permit by the local unit of
74.1 government; or

74.2 C. upon request of the site owner.

74.3 7083.4120 PRODUCT REGISTRATION CONTESTED CASE HEARING.

74.4 A person is afforded an opportunity for a contested case
74.5 hearing under Minnesota Statutes, chapter 14, for an approval,
74.6 denial, or other final agency action in relation to product
74.7 registration or renewal, within 30 days of the action.

74.8 7083.6000 ADVISORY COMMITTEE.

74.9 Subpart 1. Establishment. An advisory committee on
74.10 subsurface sewage treatment systems is established.

74.11 Subp. 2. Duties. The committee shall, subject to the
74.12 approval of the commissioner, review and advise the agency on:

74.13 A. revisions to chapters 7080 to 7083, as published
74.14 in the State Register, volume 31, pages 1023-1101, and as
74.15 subsequently adopted, and legislation relating to SSTS;

74.16 B. technical data relating to SSTS;

74.17 C. a technical manual on SSTS;

74.18 D. educational materials and programs for SSTS;

74.19 E. the administration of standards and ordinances
74.20 pertaining to SSTS at the state and local level;

74.21 F. the product registration and renewal process;

74.22 G. development of product registration advisory

74.23 panels; and
74.24 H. other SSTS activities considered appropriate by
74.25 the committee.
74.26 Subp. 3. **Membership.** The committee consists of the
75.1 following voting members of whom:
75.2 A. two must be citizens of Minnesota, representative
75.3 of the public;
75.4 B. one must be from the Minnesota Extension Service
75.5 of the University of Minnesota;
75.6 C. six must be county administrators, such as zoning
75.7 administrators, sanitarians, and environmental health
75.8 specialists, each of whom administers an SSTS permitting or
75.9 inspection program. The six administrators must be
75.10 geographically distributed throughout the state;
75.11 D. one must be a municipal inspector who administers
75.12 an SSTS permitting and inspection program;
75.13 E. one must be a township inspector who administers
75.14 an SSTS permitting and inspection program;
75.15 F. seven must be SSTS designated certified
75.16 individuals as defined in part 7083.0020, subpart 6, six of whom
75.17 have geographic distribution throughout the state and the
75.18 seventh representing the state at large, with each certification
75.19 category represented on the committee;
75.20 G. two must be elected public officials with members
75.21 having geographic distribution throughout the state; and
75.22 H. one must be a water well contractor.
75.23 Subp. 4. **Nonvoting members.** The following agencies and
75.24 associations shall each have at least one nonvoting member to
75.25 assist the advisory committee and to be advised, in turn, on
75.26 matters relating to chapters 7080 to 7083, as published in the
75.27 State Register, volume 31, pages 1023-1101, and as subsequently
76.1 adopted: the agency, the Minnesota Department of Natural
76.2 Resources, the Minnesota Department of Health, the Minnesota
76.3 Department of Labor and Industry, the United States Department
76.4 of Agriculture Natural Resource Conservation Service, the
76.5 Minnesota Association of Professional Soil Scientists, the
76.6 Metropolitan Council, the Association of Minnesota Counties, the
76.7 Minnesota Association of Townships, the League of Minnesota
76.8 Cities, the Minnesota Society of Professional Engineers, the
76.9 Association of Small Cities, the Minnesota Association of
76.10 Realtors, the Minnesota Environmental Health Association, SSTS
76.11 supplier, the Minnesota On-Site Wastewater Association, the
76.12 American Society of Home Inspectors, the Minnesota Small
76.13 Business Association, Hospitality Minnesota, and Minnesota
76.14 Waters.
76.15 Subp. 5. **Appointment; terms.** All voting members must be
76.16 appointed by the commissioner from recommendations by the named
76.17 entities or organizations. All members serve four-year terms,
76.18 with terms staggered to maintain continuity. Voting members,
76.19 except for individuals serving under subpart 3, item B, shall
76.20 serve a maximum of two consecutive terms. If the voting
76.21 member's attendance falls below 50 percent during the term, the
76.22 appointed member loses membership status for the remaining
76.23 term. The commissioner shall then appoint a replacement member

76.24 for the remainder of the term from the recommendation offered by
76.25 the affected entity or organization. In the case of a vacancy,
76.26 the commissioner shall appoint a replacement member for the
76.27 unexpired balance of the term. Administrators, inspectors,
77.1 elected officials, and contractors must be bona fide residents
77.2 of this state for at least three years before being appointed
77.3 and must have at least three years' experience in their
77.4 respective businesses or offices.
77.5 Subp. 6. **Procedural rules.** Robert's Rules of Order Newly
77.6 Revised, Henry M. Robert (2000), must prevail at all meetings of
77.7 the advisory committee. Robert's Rules of Order is incorporated
77.8 by reference, is available through the Minitex interlibrary loan
77.9 system, and is not subject to frequent change.
77.10 Subp. 7. **Quorum.** A quorum consists of nine voting members.